

# EXHIBIT 1

[Page 1]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

-----x

MOHAMMAD MANSOUR and MARK MOSES,

Civil Action No.

13-cv-2443 (SRC-CLW)

Plaintiffs,

vs.

FACTORY DIRECT OF SECAUCUS, LLC d/b/a ASHLEY  
FURNITURE HOMESTORE,

Defendant.

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Video-Deposition of AAZEL BAUTISTA, taken  
by Defendants, pursuant to notice, by and before  
MICHAEL WILLIAMS, A Registered Professional Court  
Reporter and Notary Public within and for the  
State of New Jersey, held at the offices of  
ARCHER & GREINER, P.C., 21 Main Street;  
Hackensack, New Jersey on Thursday, November 13,  
2014 commencing at 5:49 p.m.

<p>1 APPEARANCES:</p> <p>2</p> <p>3 FOR THE PLAINTIFFS:</p> <p>4 THE OTTINGER FIRM, PC</p> <p>5 401 Park Avenue</p> <p>6 New York, New York 10016</p> <p>7 BY: GEORGE D. VALLAS, ESQ.</p> <p>8</p> <p>9 FOR THE DEFENDANT:</p> <p>10 ARCHER &amp; GREINER, PC</p> <p>11 21 Main Street</p> <p>12 Hackensack, New Jersey 07601</p> <p>13 BY: DANIEL C. RITSON, ESQ.</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 Brian Durborow - Videographer</p> <p>17 Mohammad Mansour</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 2]</p>	<p>1 INDEX</p> <p>2</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 Aazel Bautista George Vallas 6, 94</p> <p>5 Daniel Ritson 92, 99</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 DEFENDANTS DESCRIPTION PAGE</p> <p>10 1 Employee Resource Guide 13</p> <p>11 2 Series of e-mails 28</p> <p>12 dated 10/18/11</p> <p>13</p> <p>14 3 One-page e-mail 33</p> <p>15 dated 11/23/11</p> <p>16 4 One-page e-mail 44</p> <p>17 dated 12/2/11</p> <p>18</p> <p>19 5 Affidavit of Aazel 63</p> <p>20 Bautista</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 4]</p>
<p>1 FEDERAL STIPULATION</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>4 between the counsel for the respective parties</p> <p>5 hereto, that the filing, sealing, and</p> <p>6 certification of the within deposition shall be</p> <p>7 and the same are hereby waived;</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that</p> <p>9 all objections, except as to the form of the</p> <p>10 question, shall be reserved to the time of trial.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED that</p> <p>12 the within deposition may be signed before any</p> <p>13 Notary Public with the same force and effect as</p> <p>14 if signed and sworn to before this court.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 3]</p>	<p>1 THE VIDEOGRAPHER: This is the</p> <p>2 videotape deposition of Aazel Bautista taken by</p> <p>3 the plaintiff in the matter of Mansour versus</p> <p>4 Ashley Furniture in the United States District</p> <p>5 Court for the District of New Jersey, Civil</p> <p>6 Action No. 13-CV-2443(SRC-CLW).</p> <p>7 This deposition is being held at</p> <p>8 Archer and Greiner. It is 11/13/2014. My name</p> <p>9 is Brian Durborow from U.S. Legal Support and I'm</p> <p>10 the video specialist. The court reporter today</p> <p>11 is Mikael Williams, also, from U.S. Legal</p> <p>12 Support, and we're going on the record at 5:49</p> <p>13 p.m., and counsel will now state their</p> <p>14 appearances for the record.</p> <p>15 MR. VALLAS: George Vallas of the</p> <p>16 Ottinger Firm for plaintiffs Moses Mansour,</p> <p>17 excuse me, Mark Moses and Mohommad Mansour.</p> <p>18 MR. RITSON: Daniel Ritson of Archer</p> <p>19 and Greiner for the defendant Factory Direct of</p> <p>20 Secaucus, LLC doing business as Ashley Furniture</p> <p>21 Home Store and also providing legal</p> <p>22 representation to the deponent, Aazel Bautista.</p> <p>23 THE VIDEOGRAPHER: The certified</p> <p>24 court reporter will now swear the witness and all</p> <p>25 counsel may proceed.</p> <p style="text-align: right;">[Page 5]</p>

[2] (Pages 2 to 5)

<p>1 AAZEL BAUTISTA, 2 called as a witness, having been first duly 3 sworn, testified as follows: 4 EXAMINATION 5 BY MR. VALLAS: 6 Q. Good evening, Miss Bautista. We met 7 a moment ago. My name is George Vallas, and I 8 represent Mohammad Mansour and Mark Moses in a 9 lawsuit that they filed against Factory Direct of 10 Secaucus doing business as Ashley Furniture. 11 For convenience throughout today's 12 deposition, I'm going to refer to Factory Direct 13 as Ashley Furniture, is that okay? 14 A. That's fine. 15 Q. I just want to ask you some 16 background questions. 17 Have you ever been deposed before? 18 A. No. 19 Q. Do you understand that you've just 20 been sworn in and that you're testifying under 21 oath? 22 A. Yes. 23 Q. Even though this is somewhat more of 24 an informal setting, the testimony that you give 25 is subject to the same penalties of perjury as if</p> <p style="text-align: right;">[Page 6]</p>	<p>1 there's a pending question, before you take a 2 break, you answer it before we break unless it's 3 a question about privilege that you would like to 4 discuss with your attorney. 5 A. Okay. 6 Q. Are you on any medications today, 7 Miss Bautista, that might affect your ability to 8 testify truthfully? 9 A. No. 10 Q. Are you sick at all today? 11 A. No. 12 Q. Can you think of any other reason 13 why you might not be able to answer my questions 14 fully and truthfully? 15 A. No. 16 Q. Is it your understanding that you 17 are represented by an attorney in connection with 18 tonight's deposition? 19 A. Yes. 20 Q. And is your attorney sitting next to 21 you, Mr. Ritson? 22 A. Yes. 23 Q. I don't want you to tell me anything 24 you discussed with any of your attorneys, but I 25 would like to know what, if anything, you did to</p> <p style="text-align: right;">[Page 8]</p>
<p>1 you had been testifying in a courtroom. 2 A. Yes. 3 Q. So I'm going to ask you questions 4 and you'll answer. I just ask that you allow me 5 to finish my question completely for the sake of 6 the court reporter before giving your answer. 7 A. Okay. 8 Q. Also, I ask that you answer the 9 questions verbally as the court reporter can't 10 really transcribe a nod of the head or shake of 11 the head. 12 A. Okay. 13 Q. If you answer a question, I'm going 14 to assume you understood it, but if you don't 15 hear or you don't understand a question, please 16 feel free to ask me to rephrase it. 17 A. Sure. 18 Q. At any time today if you want to 19 correct a deposition that you had given previous, 20 excuse me, testimony that you had given 21 previously, please feel free to do so. 22 A. Okay. 23 Q. And we can take as many breaks for 24 as long as you like. 25 The only thing is I do ask that if</p> <p style="text-align: right;">[Page 7]</p>	<p>1 prepare for today's deposition. 2 A. Just the information that was on my 3 affidavit. 4 Q. You reviewed your affidavit; is that 5 correct? 6 A. No, I didn't review it. Just that 7 was the information that we would be discussing 8 today. 9 Q. Did you review any documents? 10 A. No. 11 Q. Miss Bautista, what is the highest 12 level of education? 13 A. Masters degree. 14 Q. And where did you receive your 15 masters degree? 16 A. Chatman University. 17 Q. And what, what is the degree in? 18 A. Human resources. 19 Q. And when did you obtain that degree? 20 A. 2009. 21 Q. Did you graduate from college? 22 A. Yes. 23 Q. Where did you go to school? 24 A. University of Phoenix. 25 Q. And what did you study?</p> <p style="text-align: right;">[Page 9]</p>

[3] (Pages 6 to 9)

<p>1 A. Business administration.  2 Q. And did you obtain a degree?  3 A. Yes.  4 Q. And what was that degree?  5 A. Bachelors.  6 Q. And what year was that?  7 A. I couldn't remember right now.  8 Shortly before my Masters.  9 Q. Were you employed by Ashley  10 Furniture?  11 A. Yes.  12 Q. And what were the years of your  13 employment?  14 A. 2010 through 2012.  15 Q. What was your title at Ashley?  16 A. HR manager.  17 Q. Did you hold that title throughout  18 your employment?  19 A. Yes.  20 Q. Prior to joining Ashley in 2010,  21 what was your previous position?  22 A. HR manager.  23 Q. And where was that?  24 A. GCE Industries.  25 Q. And how long did you hold that</p> <p style="text-align: right;">[Page 10]</p>	<p>1 wage per hour was within the state regulations.  2 Q. Did you supervise any employees?  3 A. Yes. People in my department.  4 Q. How many people were in your  5 department?  6 A. At the time, three.  7 Q. Do you remember their names?  8 A. Liz and the recruiter.  9 Q. Do you remember Liz's full name?  10 A. Povanelli.  11 Q. And do you remember the recruiter's  12 name?  13 A. No. I want to say it but no, I  14 don't remember it as much. Christine.  15 Q. Did you receive any training in  16 connection with your position as HR manager at  17 Ashley Direct?  18 A. No.  19 MR. VALLAS: I'd like to ask the  20 court reporter to mark this as Bautista 1.  21 MR. RITSON: Just to clarify, did  22 you mean did she receive training at Ashley or  23 did she have training generally at Ashley?  24 MR. VALLAS: Thank you for that.  25 No, I meant at Ashley specifically.</p> <p style="text-align: right;">[Page 12]</p>
<p>1 position?  2 A. Two years.  3 Q. How did you come to work with  4 Factory Direct?  5 A. I applied.  6 Q. Who interviewed you?  7 A. The recruiter at the time.  8 Q. Do you remember who that was?  9 A. Can't remember her name at the time,  10 and Eugene.  11 Q. By Eugene are you referring to  12 Eugene Crinion?  13 A. Yes.  14 Q. And is he the owner of Ashley  15 Furniture?  16 A. Yes.  17 Q. Prior to interviewing at Ashley  18 Furniture, did you know Mr. Crinion?  19 A. No.  20 Q. What were your responsibilities as  21 HR manager?  22 A. I oversee everything that had to do  23 with recruiting, benefits, payroll, compliance.  24 Q. What do you mean by "compliance"?  25 A. Labor posters. Making sure that our</p> <p style="text-align: right;">[Page 11]</p>	<p>1 MR. RITSON: Okay. Does that change  2 your answer?  3 THE WITNESS: I guess the question I  4 have -- that's kind of a vague question.  5 Q. I can rephrase. Before we pay  6 attention to that, actually, I will take that one  7 back. The court reporter is going to pass you  8 these. Thank you so much.  9 Miss Bautista, did anyone at Ashley  10 Furniture provide you with training on HR  11 policies?  12 A. No, they gave me the handbook.  13 MR. VALLAS: If you could mark that  14 now that would be terrific.  15 (Bautista Exhibit 1 marked for  16 identification.)  17 Q. Miss Bautista, is that the employee  18 handbook that you were referencing?  19 A. Yes, looks like the handbook.  20 Q. Just take a quick moment to review  21 it. My questions are going to be specifically  22 having to do with the first five pages.  23 A. Okay.  24 Q. Are you -- strike that.  25 Did you have any role in drafting</p> <p style="text-align: right;">[Page 13]</p>

[4] (Pages 10 to 13)

<p>1 this handbook, Miss Bautista?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of whether or not it's</p> <p>4 been revised?</p> <p>5 MR. RITSON: Since when, George?</p> <p>6 Q. Thank you. Actually, Miss Bautista,</p> <p>7 I may ask you some questions from time to time.</p> <p>8 Unless I specify otherwise, I'm referring to the</p> <p>9 time period between 2010 and 2012.</p> <p>10 A. Okay.</p> <p>11 Q. In that time period, are you aware</p> <p>12 of if this handbook was revised?</p> <p>13 A. I'm not aware of it.</p> <p>14 Q. I'd like to direct your attention</p> <p>15 specifically to page 6 marked D120. Down at the</p> <p>16 bottom it defines sexual harassment under</p> <p>17 definitions as "Unwelcome sexual advances,</p> <p>18 requests for sexual favors, and other verbal and</p> <p>19 physical conduct of a sexual nature" and</p> <p>20 specifies certain circumstances.</p> <p>21 Are you familiar with that</p> <p>22 definition?</p> <p>23 A. Yes.</p> <p>24 Q. On the next page it defines</p> <p>25 harassment as "Verbal or physical conduct that</p> <p style="text-align: right;">[Page 14]</p>	<p>1 the training, and we would go through the</p> <p>2 handbook, and going through the handbook we would</p> <p>3 do all the new hire paperwork, and then the next</p> <p>4 day they would go on to training.</p> <p>5 Q. Your HR administrator, was that Liz</p> <p>6 Povaneli?</p> <p>7 A. Correct.</p> <p>8 Q. The paragraph beneath harassment is</p> <p>9 entitled "Reporting Harassment Investigation."</p> <p>10 On the second line in particular it</p> <p>11 says, "If you believe you're being harassed or</p> <p>12 observed harassment, you should promptly inform</p> <p>13 human resources or any senior member of</p> <p>14 management."</p> <p>15 A. Correct.</p> <p>16 Q. Can you describe for me the</p> <p>17 reporting process, for instance, of harassment?</p> <p>18 A. It could be either they would</p> <p>19 personally come into my office, have a</p> <p>20 conversation with me, put something in writing or</p> <p>21 they would go to their immediate manager.</p> <p>22 Q. I want to take that second scenario</p> <p>23 first.</p> <p>24 What would happen if they went to</p> <p>25 their immediate manager?</p> <p style="text-align: right;">[Page 16]</p>
<p>1 denigrates or shows hostility or aversion toward</p> <p>2 an individual because of" a number of factors.</p> <p>3 Are you familiar with that</p> <p>4 definition?</p> <p>5 A. Yes.</p> <p>6 Q. Did anyone at Ashley Furniture at</p> <p>7 any time provide any training with respect to the</p> <p>8 definitions of harassment or sexual harassment?</p> <p>9 A. Yes.</p> <p>10 Q. And who was that?</p> <p>11 A. All of the new hires.</p> <p>12 Q. Let me clarify, did anyone provide</p> <p>13 you with any training on those definitions?</p> <p>14 A. No.</p> <p>15 Q. But you would have a role in</p> <p>16 training new hires?</p> <p>17 A. Yes.</p> <p>18 Q. And what was that role?</p> <p>19 A. The orientation.</p> <p>20 Q. How would that process work?</p> <p>21 A. We would have the sales associates</p> <p>22 come into a room for at least about I think it</p> <p>23 was a week or two of training.</p> <p>24 And the first day usually it was the</p> <p>25 recruiter, myself or my HR administrator who did</p> <p style="text-align: right;">[Page 15]</p>	<p>1 A. Then that manager is supposed to</p> <p>2 come to me.</p> <p>3 Q. If they came to you directly?</p> <p>4 A. Then we sat down and we talked about</p> <p>5 what actually occurred.</p> <p>6 MR. RITSON: To clarify, George,</p> <p>7 you're asking what generally would occur,</p> <p>8 correct?</p> <p>9 MR. VALLAS: Precisely, correct.</p> <p>10 I'm talking about matter of policies here.</p> <p>11 A. Right.</p> <p>12 Q. And, as a matter of practice and</p> <p>13 policy, what would be the next step for you in</p> <p>14 response to a report of harassment?</p> <p>15 A. We would then start the</p> <p>16 investigation.</p> <p>17 Q. Is there a standard procedure for</p> <p>18 that investigation?</p> <p>19 A. Well, one, I would also tell the</p> <p>20 owner and the COO of anything that was coming,</p> <p>21 and then I would start the investigation and</p> <p>22 speak to those people who were involved or might</p> <p>23 have witnessed. If there was video, try to pull</p> <p>24 the video because that's always the easiest way</p> <p>25 and just follow the leads.</p> <p style="text-align: right;">[Page 17]</p>

[5] (Pages 14 to 17)

<p>1 Q. Would you inform the owner, 2 Mr. Crinion, of every instance, every report of 3 harassment? 4 A. Yes. 5 Q. And the COO, who is that? 6 A. Mark Scott. 7 Q. Would you inform Mr. Scott of every 8 form of harassment? 9 A. Yes, I would inform them both. 10 Q. When you completed your 11 investigation, would you generate a report or 12 some sort of document reflecting your findings? 13 A. I would send an e-mail or I would 14 sit with the owner or the COO to give them the 15 information that I collected. 16 Q. Would you have the authority to take 17 any action? 18 A. No, I would not take action. 19 Q. Whose decision would it be to take 20 any adverse action against the employee? 21 A. At the end, obviously, the owner or 22 the COO. 23 Q. In order to trigger this 24 investigation process, would an employee 25 reporting of harassment have to make a written</p> <p style="text-align: right;">[Page 18]</p>	<p>1 that name. 2 A. I kind of figured. 3 Q. Thank you for bearing with me. 4 A. Not a problem. 5 Q. Are you aware that Mr. Sciarrino was 6 an employee of Ashley Direct, Ashley Furniture? 7 A. Yes. 8 Q. Did you ever receive any complaints 9 from any Ashley Furniture employee about 10 Mr. Sciarrino? 11 A. No. 12 Q. Do you know what Mr. Sciarrino's job 13 title was? 14 A. Store manager. 15 Q. Are you familiar with someone by the 16 name of Mark Moses? 17 A. Yes. 18 Q. And are you familiar with the fact 19 that he was employed by Ashley Furniture? 20 A. Yes. 21 Q. Did Mr. Moses ever complain to you 22 about any employee of Ashley Furniture? 23 A. No, not during his employment. 24 Q. Did he ever, during his employment, 25 make an informal complaint to you about any</p> <p style="text-align: right;">[Page 20]</p>
<p>1 complaint? 2 A. A written complaint or a formal 3 complaint. 4 Q. And what is the definition of a 5 formal complaint? 6 A. That the employee is stating to me I 7 am making a formal complaint regarding this 8 individual. 9 Q. So if an employee complained to you 10 about an incident of harassment without stating 11 that it was a formal complaint, would you do 12 anything in response to that? 13 A. I respond to it right away. 14 Q. And how would you respond to an 15 informal complaint? 16 A. "Are you telling me that you're 17 having a problem with this individual?" 18 Q. Would you ask the employee whether 19 they would like to make a formal complaint? 20 A. Yes. 21 Q. Are you familiar with a person by 22 the name of Salvatore Sciarrino? 23 A. Yes. 24 MR. RITSON: Sciarrino. 25 Q. You have to excuse me for butchering</p> <p style="text-align: right;">[Page 19]</p>	<p>1 employee of Ashley Furniture? 2 A. No. 3 Q. Subsequent to his employment, did he 4 ever complain to you? 5 A. You mean thereafter? 6 Q. That's correct. 7 A. Yes. 8 Q. And when was that? 9 A. Shortly after our conversation that 10 he was no longer going to be with the company. 11 Q. Let's back up just a moment. 12 Mr. Moses was terminated; is that correct? 13 A. He was not terminated. Mr. Moses 14 was unhappy. 15 Q. Why was he unhappy? 16 A. Mr. Moses was unhappy because he 17 went from a sales manager position or store 18 manager position to a sales associate position. 19 Q. Do you know who made that decision? 20 A. I believe it was Mr. Cook. 21 Q. Do you know why? 22 A. I have no idea. 23 Q. Excuse me? 24 THE VIDEOGRAPHER: I'm sorry, 25 counselor. Can we just go off the video for one</p> <p style="text-align: right;">[Page 21]</p>

[6] (Pages 18 to 21)



<p>1 second.</p> <p>2 MR. VALLAS: Of course.</p> <p>3 THE VIDEOGRAPHER: At 6:10 going off</p> <p>4 the video record.</p> <p>5 (A break was taken from the record.)</p> <p>6 THE VIDEOGRAPHER: At 6:11 p.m. we</p> <p>7 are back on the video record.</p> <p>8 MR. VALLAS: Can I ask you to read</p> <p>9 back the last question and answer.</p> <p>10 (The record was read.)</p> <p>11 MR. VALLAS: Terrific. I'm actually</p> <p>12 going to hold on to this for a while.</p> <p>13 Q. How did you know Mr. Moses was</p> <p>14 unhappy?</p> <p>15 A. Because he told me he was unhappy.</p> <p>16 Q. When did he tell you?</p> <p>17 A. Right when I came back from a leave</p> <p>18 of absence.</p> <p>19 Q. Do you remember approximately when</p> <p>20 that was?</p> <p>21 A. Sometime in July of 2013. Wait.</p> <p>22 No. 2012. I had two surgeries that's why.</p> <p>23 2012. No. I -- it had to be the year before. I</p> <p>24 can't remember.</p> <p>25 It was when I came back from</p> <p style="text-align: right;">[Page 22]</p>	<p>1 basis for the decision to change his title?</p> <p>2 A. He said he didn't know why.</p> <p>3 Q. Did he tell you who was responsible</p> <p>4 for that decision?</p> <p>5 A. I don't remember.</p> <p>6 Q. Did, withdraw.</p> <p>7 You testified a moment ago that</p> <p>8 Mr. Moses was not terminated by Ashley Furniture.</p> <p>9 Did he resign?</p> <p>10 A. The conversation with Moses happened</p> <p>11 when he called to tell me that he was upset. It</p> <p>12 was the same thing.</p> <p>13 I had tried to have several</p> <p>14 conversations with him and, at that point, it</p> <p>15 seemed as if there was no making him happy.</p> <p>16 So specifically what I said to him,</p> <p>17 "Maybe this is the time that we should shake</p> <p>18 hands and part ways. Do you agree?"</p> <p>19 We were already on the phone for</p> <p>20 some time and there was nothing that I could do</p> <p>21 to appease Mr. Moses.</p> <p>22 Q. You say this was in July of 2011?</p> <p>23 A. I don't remember when. It was,</p> <p>24 again, I was on a leave of absence. I literally</p> <p>25 walked into that.</p> <p style="text-align: right;">[Page 24]</p>
<p>1 surgery, and my surgery, I had one in 2010. I</p> <p>2 had one in 2012 or 11. I can't remember but it</p> <p>3 was shortly before.</p> <p>4 Q. How long was your leave of absence?</p> <p>5 A. About six weeks, I believe.</p> <p>6 Q. Is it possible that that was July,</p> <p>7 2011?</p> <p>8 A. Yes. That's better.</p> <p>9 Q. And what did he tell you when he</p> <p>10 mentioned that he's unhappy?</p> <p>11 A. He was unhappy because he was</p> <p>12 removed from being a store manager or sales</p> <p>13 manager, like I said earlier, or to a sales</p> <p>14 associate and he couldn't feed his family with</p> <p>15 that money.</p> <p>16 Q. Did Mr. Moses tell you this while he</p> <p>17 was still an employee of Ashley Furniture?</p> <p>18 A. Yes.</p> <p>19 Q. Did he give you any other reason why</p> <p>20 he was unhappy?</p> <p>21 A. No.</p> <p>22 Q. Did he make any complaints about any</p> <p>23 employees?</p> <p>24 A. No.</p> <p>25 Q. Did he make any complaints about the</p> <p style="text-align: right;">[Page 23]</p>	<p>1 Q. Are you aware of whether or not</p> <p>2 Mr. Moses complained to anyone else in the human</p> <p>3 resources department?</p> <p>4 A. No.</p> <p>5 Q. Sorry?</p> <p>6 A. No, not aware.</p> <p>7 Q. No, you're not aware.</p> <p>8 I believe you said you had multiple</p> <p>9 conversation with Mr. Moses about his</p> <p>10 unhappiness?</p> <p>11 A. A few, a few.</p> <p>12 Q. Was that over the course of several</p> <p>13 days?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember about how many</p> <p>16 conversations you had with him?</p> <p>17 A. I can't remember.</p> <p>18 Q. Were they in person or by telephone?</p> <p>19 A. In person.</p> <p>20 Q. Were they in the HR office?</p> <p>21 A. No, they were in the sales manager</p> <p>22 office.</p> <p>23 Q. Do you remember about how much time</p> <p>24 elapsed between the first and the last</p> <p>25 conversation?</p> <p style="text-align: right;">[Page 25]</p>

[7] (Pages 22 to 25)



<p>1 A. No, I don't.</p> <p>2 Q. Are you aware of anyone making an</p> <p>3 allegation -- withdraw.</p> <p>4 Are you aware of any employee of</p> <p>5 Ashley Furniture making an allegation that</p> <p>6 Mr. Moses fell asleep during a team meeting?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember who made that</p> <p>9 allegation?</p> <p>10 A. I do not recall the associate who</p> <p>11 made the allegation.</p> <p>12 Q. How did you become aware of that?</p> <p>13 A. Through the sales manager,</p> <p>14 Mr. Sciarrino.</p> <p>15 Q. Do you remember when that was?</p> <p>16 A. No.</p> <p>17 Q. And what did Mr. Sciarrino say to</p> <p>18 you about that?</p> <p>19 A. That he was told that, actually, in</p> <p>20 regards to Mark Moses falling asleep, that he had</p> <p>21 actually seen him fall asleep and it was during a</p> <p>22 meeting.</p> <p>23 Q. And did Mr. Sciarrino, excuse me,</p> <p>24 did Mr. Sciarrino say that he was going to take</p> <p>25 any action against Mr. Moses for falling asleep?</p> <p style="text-align: right;">[Page 26]</p>	<p>1 mark this Bautista 2.</p> <p>2 (Bautista Exhibit 2 marked for</p> <p>3 identification.)</p> <p>4 Q. Miss Bautista, I passed you a series</p> <p>5 of documents.</p> <p>6 I would like to ask you, do you</p> <p>7 recognize these documents?</p> <p>8 A. No.</p> <p>9 Q. Do you see up at the top of each</p> <p>10 page it looks like your name?</p> <p>11 A. Yup. Yes, I do.</p> <p>12 Q. Have you ever seen these before?</p> <p>13 A. No.</p> <p>14 Q. If we look at the very first page,</p> <p>15 it looks like it says from 8607707449 at</p> <p>16 messaging dot Sprint PCS dot com to A. Bautista</p> <p>17 at Ashley NE dot com.</p> <p>18 Is A. Bautista at Ashley dot com</p> <p>19 your e-mail address?</p> <p>20 A. Yes, it was.</p> <p>21 Q. Do you remember receiving these</p> <p>22 messages?</p> <p>23 A. I'm looking at them now. I remember</p> <p>24 some of them, yes.</p> <p>25 Q. Were these messages sent directly to</p> <p style="text-align: right;">[Page 28]</p>
<p>1 A. No.</p> <p>2 Q. Did he say that he would terminate</p> <p>3 Mr. Moses for falling asleep?</p> <p>4 A. No.</p> <p>5 Q. Moving back to that final</p> <p>6 conversation you had, I believe you testified</p> <p>7 that you asked him if you should part ways?</p> <p>8 A. Right.</p> <p>9 Q. How did he respond?</p> <p>10 A. He agreed with me, obviously,</p> <p>11 because, again, like I said, there was nothing</p> <p>12 that I could do at that time to appease</p> <p>13 Mr. Moses.</p> <p>14 That's why I said to him, there's</p> <p>15 nothing I could do for you at this point. I</p> <p>16 understand that you're not happy, but we're</p> <p>17 continuing to have the same conversation over and</p> <p>18 over again. This may be the time where we shake</p> <p>19 hands and part ways.</p> <p>20 Q. When you say there was nothing you</p> <p>21 could do to appease Mr. Moses, what was he</p> <p>22 seeking?</p> <p>23 A. He want to be, he wanted to be put</p> <p>24 back in his position of a sales manager.</p> <p>25 MR. VALLAS: Can I ask you now to</p> <p style="text-align: right;">[Page 27]</p>	<p>1 you or were they forwarded to you?</p> <p>2 A. Looks like they were forwarded to</p> <p>3 me.</p> <p>4 Q. Do you know who forwarded them to</p> <p>5 you?</p> <p>6 A. I can't remember.</p> <p>7 Q. And do you know who sent them</p> <p>8 originally?</p> <p>9 A. No.</p> <p>10 Q. If you look at the page marked D20,</p> <p>11 it's the, I'll also point out these are all</p> <p>12 double-sided, so it would be the fifth page.</p> <p>13 It says "FWD Jerry, this is Mark M.</p> <p>14 Just to let you know there are no hard feelings</p> <p>15 business is about progress."</p> <p>16 A. Okay.</p> <p>17 Q. Does that refresh your memory about</p> <p>18 who sent these messages?</p> <p>19 A. I'm assuming Jerry. Not Jerry. It</p> <p>20 was Mark.</p> <p>21 Q. Did Mr. Cook forward you this</p> <p>22 message?</p> <p>23 A. It's possible, yes.</p> <p>24 Q. Do you remember why?</p> <p>25 A. No.</p> <p style="text-align: right;">[Page 29]</p>

[8] (Pages 26 to 29)

<p>1 Q. Did you do anything in response to</p> <p>2 receive these messages?</p> <p>3 A. I don't remember.</p> <p>4 MR. RITSON: Just for the record, in</p> <p>5 response to counsel's question, do you remember</p> <p>6 who sent these, you said it looked like Mark.</p> <p>7 Mark who?</p> <p>8 THE WITNESS: Mark Moses.</p> <p>9 MR. VALLAS: Thank you for that</p> <p>10 clarification.</p> <p>11 MR. RITSON: Just because there is</p> <p>12 that other Mark.</p> <p>13 A. Oh, yes. I'm sorry.</p> <p>14 Q. Miss Bautista, you testified a</p> <p>15 moment ago that Mr. Sciarrino saw Mr. Moses fall</p> <p>16 asleep at a team meeting?</p> <p>17 A. Yes.</p> <p>18 Q. Are you aware of whether Mr. Moses</p> <p>19 continued to work at Ashley Furniture after that</p> <p>20 incident?</p> <p>21 A. I don't remember.</p> <p>22 Q. Was that before your final</p> <p>23 conversation with him or after?</p> <p>24 A. It had -- I have to say that it had</p> <p>25 to be -- the falling asleep?</p> <p style="text-align: right;">[Page 30]</p>	<p>1 A. Hoang.</p> <p>2 Q. Hoang?</p> <p>3 A. Yes.</p> <p>4 MR. VALLAS: For the court reporter,</p> <p>5 that's H-O-A-N-G.</p> <p>6 Q. Who is Miss Hoang?</p> <p>7 A. She was a sales associate.</p> <p>8 Q. Are you aware of a complaint of</p> <p>9 harassment that was brought by Miss Hoang?</p> <p>10 A. Yes.</p> <p>11 Q. And when was that brought?</p> <p>12 A. While I was on vacation.</p> <p>13 Q. Do you remember the date?</p> <p>14 A. No.</p> <p>15 Q. Do you remember the year?</p> <p>16 A. It had to be 2012.</p> <p>17 Q. Is it possible it was in the winter</p> <p>18 of 2011?</p> <p>19 A. Yes.</p> <p>20 Q. You say you were on vacation when it</p> <p>21 was brought?</p> <p>22 A. Yes. Sorry.</p> <p>23 Q. Do you remember who brought that</p> <p>24 complaint?</p> <p>25 A. I believe it was Mr., it was -- she</p> <p style="text-align: right;">[Page 32]</p>
<p>1 Q. That's right.</p> <p>2 A. It had to be before.</p> <p>3 Q. Do you remember about how long</p> <p>4 before?</p> <p>5 MR. RITSON: Is that a no?</p> <p>6 A. I'm sorry. No.</p> <p>7 Q. We do have a video camera.</p> <p>8 A. I have to say no.</p> <p>9 Q. You're doing very well so far. Most</p> <p>10 of the time we have to interrupt this more often.</p> <p>11 Moving away from Mr. Moses, are you</p> <p>12 aware of any complaints about Mr. Sciarrino</p> <p>13 brought by Mr. Mansour?</p> <p>14 A. No.</p> <p>15 Q. Are you aware of any complaints</p> <p>16 brought by Mr. Mansour about anybody?</p> <p>17 A. No.</p> <p>18 Q. Any employee of Ashley Furniture?</p> <p>19 A. No.</p> <p>20 Q. Did you ever meet with Mr. Mansour</p> <p>21 and Mary Rusee about complaints regarding Mr.</p> <p>22 Sciarrino?</p> <p>23 A. I don't remember.</p> <p>24 Q. Are you familiar with an employee</p> <p>25 named Mindy Hoang?</p> <p style="text-align: right;">[Page 31]</p>	<p>1 did to the sales managers at the time and then I</p> <p>2 got an e-mail.</p> <p>3 Q. Who was the sales manager to whom</p> <p>4 she complained?</p> <p>5 A. I believe it was to Mr. Mansour and</p> <p>6 to Mr. Sciarrino.</p> <p>7 Q. And you received an e-mail from</p> <p>8 Mr. Mansour and Mr. Sciarrino?</p> <p>9 A. Yes.</p> <p>10 Q. And you received that e-mail while</p> <p>11 you were on vacation?</p> <p>12 A. I believe so.</p> <p>13 Q. I don't know if you answer e-mails</p> <p>14 while you're on vacation, but I assume you didn't</p> <p>15 do anything until you returned?</p> <p>16 A. Um-hum.</p> <p>17 Q. About how long after?</p> <p>18 A. I don't remember.</p> <p>19 MR. VALLAS: If I could ask the</p> <p>20 court reporter to mark this Bautista 3. Thank</p> <p>21 you.</p> <p>22 (Bautista Exhibit 3 marked for</p> <p>23 identification.)</p> <p>24 THE VIDEOGRAPHER: At 6:26 p.m. we</p> <p>25 are off the record.</p> <p style="text-align: right;">[Page 33]</p>

[9] (Pages 30 to 33)

<p>1 (Off the record.)</p> <p>2 THE VIDEOGRAPHER: At 6:37 p.m.</p> <p>3 back on the video record.</p> <p>4 Q. Miss Bautista, before we turn our</p> <p>5 attention to the document marked Bautista 3, I'd</p> <p>6 like to turn your attention back to the document</p> <p>7 that was marked Bautista 2.</p> <p>8 A. Okay.</p> <p>9 Q. On the very first page the message</p> <p>10 said "Good luck and God bless fello Rhino."</p> <p>11 Do you know what that means?</p> <p>12 A. Rhino comes to me because Jerry was</p> <p>13 into reading, you know, self-motivational books.</p> <p>14 He had given him a book.</p> <p>15 Q. When you say him?</p> <p>16 A. Jerry had given Mark Moses a book to</p> <p>17 read.</p> <p>18 Q. Do you know what that book was?</p> <p>19 A. I don't know the title of it. All I</p> <p>20 know it's about rhinos.</p> <p>21 Q. What is the significance of rhino?</p> <p>22 A. I think it is some type of a, for</p> <p>23 lack of a better word, just someone to be</p> <p>24 empowered, you know, just -- to have a business</p> <p>25 sense. To help you have a business sense. It is</p> <p style="text-align: right;">[Page 34]</p>	<p>1 Q. Do you know if Mr. Crinion ever</p> <p>2 tried to convert Mr. Mansour?</p> <p>3 A. No, I don't know.</p> <p>4 Q. Do you know if Mr. Crinion ever</p> <p>5 tried to convert anyone else at Ashley Furniture?</p> <p>6 A. No.</p> <p>7 Q. Mr. Crinion is a Christian; is that</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. We can put that document aside.</p> <p>11 If I could turn your attention to</p> <p>12 Bautista 3. This is a two-page document.</p> <p>13 Do you recognize this e-mail?</p> <p>14 A. Yes.</p> <p>15 Q. Is this the complaint that we</p> <p>16 discussed before we break -- broke made by Miss</p> <p>17 Hoang's managers?</p> <p>18 A. Correct. The e-mail that was sent</p> <p>19 to me.</p> <p>20 Q. Up at the top it says it was sent</p> <p>21 Tuesday, November 29, 2011.</p> <p>22 Does that refresh your memory about</p> <p>23 when this occurred?</p> <p>24 A. It had to be about that time. I</p> <p>25 honestly don't recollect.</p> <p style="text-align: right;">[Page 36]</p>
<p>1 just to motivate you.</p> <p>2 Q. Do you know if that book had any</p> <p>3 religious significance?</p> <p>4 A. No, I didn't read it.</p> <p>5 Q. Did Mr. Crinion ever pass out books</p> <p>6 to employees or recommend books to employees?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know if those books had any</p> <p>9 religious significance?</p> <p>10 A. No, I don't know.</p> <p>11 Q. Did Mr. Crinion ever discuss his</p> <p>12 religion with you?</p> <p>13 A. Yes.</p> <p>14 Q. Did Mr. Crinion ever discuss his</p> <p>15 religion with other employees?</p> <p>16 A. I don't know. Well, actually, I</p> <p>17 believe he has.</p> <p>18 Q. And what -- strike that.</p> <p>19 Do you know with whom specifically</p> <p>20 he would discuss his religion?</p> <p>21 A. I believe he had conversations with</p> <p>22 Mr. Mansour.</p> <p>23 Q. And do you know what the content of</p> <p>24 those conversations were?</p> <p>25 A. No, I don't know.</p> <p style="text-align: right;">[Page 35]</p>	<p>1 Q. Do you remember about how long after</p> <p>2 this e-mail was sent that you returned from</p> <p>3 vacation?</p> <p>4 A. Days I believe. I'm not sure. I</p> <p>5 couldn't give you a number.</p> <p>6 Q. What was the substance of Miss</p> <p>7 Hoang's complaint?</p> <p>8 A. According, if I recollect, it was</p> <p>9 Mr. -- it was Raz, I don't remember his last</p> <p>10 name, had taken her head and placed it in between</p> <p>11 his crotch area, and he had said something to her</p> <p>12 but I just don't know verbatim what he said to</p> <p>13 her.</p> <p>14 Q. If you look at the second page of</p> <p>15 the e-mail, down at the very bottom it says "On</p> <p>16 11/28/11 Mindy Hoang wrote."</p> <p>17 Could you just take a minute to</p> <p>18 review that.</p> <p>19 A. It's very hard to read it.</p> <p>20 Q. I do apologize. The resolution is a</p> <p>21 little bit low but I could read it into the</p> <p>22 record.</p> <p>23 It says, "Today November 28, 2011 I</p> <p>24 was standing at the greeters station talking to</p> <p>25 Robin when Raz came up to me and grabbed my head</p> <p style="text-align: right;">[Page 37]</p>

[10] (Pages 34 to 37)

<p>1 and pulled it down towards his crotch and told me 2 to 'suck his cock' in the store while not only in 3 front of my coworkers but also with customers in 4 your store." 5 Does that refresh your recollection 6 about the content of her complaint? 7 A. Yes. 8 Q. What did you do when you returned 9 from vacation in response to this complaint? 10 A. I don't remember if what I did I 11 spoke first to Mr. Mansour and Sciarrino or I 12 went straight to Mindy. Either way I spoke to 13 both parties separately. 14 Q. Did you notify Mr. Crinion? 15 A. Mr. Crinion already know. 16 Q. How did Mr. Crinion know? 17 A. I believe that Mr. Sciarrino and 18 Mr. Mansour had notified him. 19 Q. And how do you know that 20 Mr. Sciarrino was aware of the incident? Strike 21 that. 22 How did you know that Mr. Crinion 23 was aware of the incident? 24 A. I don't remember. 25 Q. Did you inform Mr. Scott?</p> <p style="text-align: right;">[Page 38]</p>	<p>1 Q. And was that about the same time you 2 had a conversation with Mr. Scott? 3 A. Yes, it's usually -- they usually 4 coincide with one another. 5 Q. Do you remember what Mr. Crinion 6 said? 7 A. I don't remember. 8 Q. When you met with Miss Hoang, was 9 that in person? 10 A. Yes. 11 Q. And what were the -- what happened 12 during that meeting? 13 A. I gave her the floor to tell me 14 exactly what happened. 15 Q. And what did she tell you? 16 A. She told me exactly what was put in 17 her e-mail, and I proceeded to ask who was her 18 witnesses, which is what you would do in an 19 investigation, and just to get more details, 20 obviously, who saw it, what time, et cetera. 21 Q. And did she give you that 22 information? 23 A. She did. 24 Q. Do you remember if she had any 25 witnesses?</p> <p style="text-align: right;">[Page 40]</p>
<p>1 A. Yes. 2 Q. And how soon after you returned -- 3 A. The minute -- that was the first 4 thing I was handed. The first thing I handled 5 when I came in. 6 MR. RITSON: Make sure that George 7 finishes his question before you answer. 8 A. I'm sorry. 9 MR. RITSON: Only because we want to 10 make sure that you know what you're answering. 11 MR. VALLAS: Also, the court 12 reporter it can be difficult to transcribe 13 talking over one another. 14 Q. How did you tell Mr. Scott about 15 that complaint? 16 A. I don't remember if I called or 17 e-mailed. 18 Q. Do you remember what Mr. Scott said 19 in response? 20 A. No, I don't remember. 21 Q. Do you remember having a 22 conversation with Mr. Crinion about this 23 complaint? 24 A. Yes, I did have a conversation with 25 him.</p> <p style="text-align: right;">[Page 39]</p>	<p>1 A. According to the information she 2 gave me, yes, she did give me some witnesses. 3 Q. Do you remember who they were? 4 A. Robin was one of them. 5 Q. Do you know Robin's full name? 6 A. No. 7 Q. Do you remember any other witnesses? 8 A. Off the top of my head, I can't 9 remember. 10 Q. Do you remember about how many there 11 were? 12 A. She gave me I think, if I'm right, 13 three. 14 Q. And does that include Raz? 15 A. Raz is one. 16 Q. And, just to be clear, who is Raz? 17 A. Raz was also another sales 18 associate. 19 Q. Do you remember his full name? 20 A. No. 21 MR. VALLAS: For the court reporter, 22 that's R-A-Z. 23 Q. When you met with Mr. Mansour and 24 Mr. Sciarrino, was that at the same time or did 25 you meet with them separately?</p> <p style="text-align: right;">[Page 41]</p>

[11] (Pages 38 to 41)

<p>1 A. I don't remember.</p> <p>2 Q. And do you remember what the</p> <p>3 substance of that meeting was?</p> <p>4 A. It had to do with Mindy.</p> <p>5 Q. Do you remember what Mr. Mansour</p> <p>6 said about the incident?</p> <p>7 A. I don't remember the details of the</p> <p>8 conversation.</p> <p>9 Q. Do you remember what Mr. Sciarrino</p> <p>10 said?</p> <p>11 A. No.</p> <p>12 Q. Did you take notes during these</p> <p>13 meetings?</p> <p>14 A. I usually do.</p> <p>15 Q. Do you remember if you specifically</p> <p>16 took notes during the meeting with Mr. Mansour</p> <p>17 and Mr. Sciarrino?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember if you took notes</p> <p>20 during the meeting with Miss Hoang?</p> <p>21 A. I believe I did.</p> <p>22 Q. Do you know what happened to those</p> <p>23 notes?</p> <p>24 A. I believe I handed them over. They</p> <p>25 were in my files when I left.</p> <p style="text-align: right;">[Page 42]</p>	<p>1 a time.</p> <p>2 Do you remember who the retail</p> <p>3 specialist was?</p> <p>4 A. Ted.</p> <p>5 Q. Do you remember his last name?</p> <p>6 A. It's a really long last name. I</p> <p>7 know it. I can't even pronounce it if I tried.</p> <p>8 Q. Do you remember when you spoke with</p> <p>9 Ted?</p> <p>10 A. That was probably one of the first</p> <p>11 calls I made.</p> <p>12 Q. Do you remember about how long it</p> <p>13 was after you returned that you made that call?</p> <p>14 A. Probably immediately after I read</p> <p>15 all the information.</p> <p>16 MR. VALLAS: I'd like to ask the</p> <p>17 court reporter to mark this Bautista -- we're up</p> <p>18 to 4. Thank you.</p> <p>19 (Bautista Exhibit 4 marked for</p> <p>20 identification.)</p> <p>21 Q. You could take just a moment to</p> <p>22 review that, Miss Bautista.</p> <p>23 Do you recognize this document?</p> <p>24 A. Yes, I do now.</p> <p>25 Q. Do you remember receiving this</p> <p style="text-align: right;">[Page 44]</p>
<p>1 Q. When you say handed them over?</p> <p>2 A. I didn't just hand them over. They</p> <p>3 were in my files when I left. They were in my</p> <p>4 office.</p> <p>5 Q. After having met with Miss Hoang and</p> <p>6 Mr. Sciarrino and Mr. Mansour, what was your next</p> <p>7 step in this investigation?</p> <p>8 A. Well, the next step was --</p> <p>9 MR. RITSON: Object to form. You</p> <p>10 can answer.</p> <p>11 A. Oh, okay. The next step was trying</p> <p>12 to validate the information.</p> <p>13 Q. How did you go about doing that?</p> <p>14 A. I asked our IT team, our retail</p> <p>15 specialist, that was his title at the time, to</p> <p>16 pull any video, see if we can find any video on</p> <p>17 what happened. Unfortunately, there was no video</p> <p>18 to validate.</p> <p>19 I spoke to all of the witnesses that</p> <p>20 she had given me and also spoke to the associates</p> <p>21 who might have been on the clock at the time or</p> <p>22 around the time that that happened. And,</p> <p>23 unfortunately, nobody was able to validate what</p> <p>24 occurred.</p> <p>25 Q. I just want to take that one step at</p> <p style="text-align: right;">[Page 43]</p>	<p>1 e-mail?</p> <p>2 A. Yeah, yes.</p> <p>3 Q. I'll note that it looks like it was</p> <p>4 sent December 2, 2011?</p> <p>5 A. Right.</p> <p>6 Q. On the second paragraph the first</p> <p>7 line reads, "My opinion would be to suspend both</p> <p>8 of them until Aazel comes back."</p> <p>9 Does that refresh your memory about</p> <p>10 the timing of your vacation?</p> <p>11 A. Just about.</p> <p>12 Q. Do you remember when it was that you</p> <p>13 came back after this e-mail was sent?</p> <p>14 A. No, I don't.</p> <p>15 Q. Mr. Mansour here expresses his</p> <p>16 opinion would be "To suspend both of them until</p> <p>17 Aazel comes back and she conducts an</p> <p>18 investigation. This will eliminate any further</p> <p>19 contact between them and/or conflict that might</p> <p>20 lead to legal action against the company."</p> <p>21 Do you know if that recommendation</p> <p>22 was adopted by the company?</p> <p>23 A. To suspend them both?</p> <p>24 Q. Yes.</p> <p>25 A. No.</p> <p style="text-align: right;">[Page 45]</p>

[12] (Pages 42 to 45)

<p>1 Q. No, you don't know or no, it wasn't?</p> <p>2 A. I don't recall suspending anyone.</p> <p>3 Q. Would you have the power to do so?</p> <p>4 A. No, I would have to have that</p> <p>5 conversation with the owner, with Eugene, and</p> <p>6 with Mark.</p> <p>7 Q. Did you make that recommendation to</p> <p>8 Mr. Crinion?</p> <p>9 A. No because if you suspend someone</p> <p>10 who's making an allegation, it would seem that</p> <p>11 she'd be lying; and if you suspend someone who's</p> <p>12 being accused of something then, obviously, you</p> <p>13 are putting that person in the position.</p> <p>14 So what I had recommended was to</p> <p>15 have them work opposite schedules for the time</p> <p>16 being and I believe Mindy was given an option, if</p> <p>17 she wanted, to transfer to Paramus.</p> <p>18 Q. Did you make that recommendation</p> <p>19 during your first conversation with Mr. Crinion?</p> <p>20 A. No, this conversation, well, the</p> <p>21 different schedules, yes.</p> <p>22 The later on moving to Paramus that</p> <p>23 came with further investigation.</p> <p>24 Q. We'll get to that last in a moment,</p> <p>25 but did Mr. Crinion adopt your recommendation</p> <p style="text-align: right;">[Page 46]</p>	<p>1 A. I don't know. Don't remember.</p> <p>2 Q. Was it more than 10?</p> <p>3 A. I don't remember.</p> <p>4 Q. About how long did this</p> <p>5 investigation take place -- withdrawn.</p> <p>6 About how long did this</p> <p>7 investigation take?</p> <p>8 A. I don't remember but we do try to</p> <p>9 close things out rather quickly.</p> <p>10 Q. Were these interviews conducted in</p> <p>11 person?</p> <p>12 A. Yes. One was conducted over the</p> <p>13 phone.</p> <p>14 Q. Do you remember who that was?</p> <p>15 A. I want to say it was Robin.</p> <p>16 Q. Would the investigation have lasted</p> <p>17 longer than one week?</p> <p>18 MR. RITSON: Are you asking if it</p> <p>19 did?</p> <p>20 MR. VALLAS: Yes.</p> <p>21 A. I don't remember.</p> <p>22 Q. Did it last longer than a month?</p> <p>23 A. I don't believe it lasted longer</p> <p>24 than a month.</p> <p>25 Q. While the investigation was ongoing,</p> <p style="text-align: right;">[Page 48]</p>
<p>1 after that first conversation? Let me rephrase.</p> <p>2 Did Mr. Crinion move Miss Hoang and</p> <p>3 Raz to different schedules?</p> <p>4 A. I don't remember.</p> <p>5 MR. RITSON: Object to form.</p> <p>6 A. I don't remember.</p> <p>7 MR. RITSON: You can answer.</p> <p>8 A. I don't remember, to be honest with</p> <p>9 you.</p> <p>10 Q. So moving back to your</p> <p>11 investigation, do you remember how many people</p> <p>12 you interviewed?</p> <p>13 A. I interviewed every person she</p> <p>14 mentioned, including those that were on the time</p> <p>15 clock during that time period.</p> <p>16 Q. So I think you testified a moment</p> <p>17 ago she herself had mentioned three people?</p> <p>18 A. She had mentioned three people.</p> <p>19 Q. Do you remember how many people in</p> <p>20 addition to those three people you interviewed?</p> <p>21 A. Those were on the clock at the time.</p> <p>22 Q. Do you remember approximately how</p> <p>23 many that was?</p> <p>24 A. Couldn't tell you. I'm sorry.</p> <p>25 Q. Was it more than five?</p> <p style="text-align: right;">[Page 47]</p>	<p>1 were you in touch with Mr. Crinion?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember about how many</p> <p>4 conversations you had with him?</p> <p>5 A. I don't.</p> <p>6 Q. During the investigation?</p> <p>7 A. I don't remember.</p> <p>8 Q. And why were you in touch with him?</p> <p>9 A. Because he was the owner of the</p> <p>10 business.</p> <p>11 Q. Did he request that you keep him</p> <p>12 informed of the progress of the investigation?</p> <p>13 A. Of course.</p> <p>14 Q. Did he make any recommendations to</p> <p>15 you as the investigation was ongoing?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did he ask you questions about what</p> <p>18 you were discovering during your investigation?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember what sort of</p> <p>21 questions he asked?</p> <p>22 A. No.</p> <p>23 Q. Do you remember about when it was</p> <p>24 that you concluded your investigation?</p> <p>25 A. I don't remember.</p> <p style="text-align: right;">[Page 49]</p>

[13] (Pages 46 to 49)



<p>1 Q. When you concluded your 2 investigation, did you generate a report? 3 A. I don't remember generating a 4 report. 5 Q. Did you generate any -- strike that. 6 Did you reduce your findings to 7 writing in any form? 8 A. I believe I closed out the case in 9 the file just stating that, what the solution 10 was. 11 Q. So when you say the file, did you 12 create a file for this complaint? 13 A. I created -- all statements were in 14 that file. 15 Q. And those statements were taken by 16 you? 17 A. The employee filled out a piece of 18 paper on, you know, a blank piece of paper. 19 Those who are willing, and those who weren't I 20 have my notes. 21 Q. So when you say the employees, are 22 you referring to the people you interviewed? 23 A. Right. 24 Q. And you would ask them to fill out 25 --</p> <p style="text-align: right;">[Page 50]</p>	<p>1 A. That was one of the suggestions I 2 made to Nathan, I mean, to Eugene because 3 originally Mindy had been wanting to go to 4 Paramus for quite sometime. 5 Q. Before we get to that, I just want 6 to back up for a moment. 7 What were the findings of your 8 investigation? 9 A. I could not collaborate anyone 10 validating that Raz had behaved in that manner or 11 did what he was being accused of doing. 12 Q. Did Raz himself deny it? 13 A. Yes. 14 Q. Did you recommend that any action 15 other than the transfer be taken against either 16 Raz or Miss Hoang? 17 MR. RITSON: Objection to form. You 18 can answer. 19 A. Well, there was a stern 20 conversation, obviously, with both of them. 21 Any type of written or corrective 22 was not in play at that point because I could not 23 validate either one of them. Just that if there 24 was any false statements made that it could lead 25 to termination.</p> <p style="text-align: right;">[Page 52]</p>
<p>1 A. If they would fill out, you know, 2 and give me in your words what you saw and what 3 you did not see based on the conversation that 4 we're having. 5 Q. Is that a standard form? 6 A. Usually just a blank piece of paper, 7 like the notebook you're writing on. 8 Q. And do you remember how many 9 employees were unwilling to fill out a statement? 10 A. I don't remember. 11 Q. For those employees you took notes 12 of the conversation? 13 A. Um-hum. 14 Q. And would you put those notes in the 15 file? 16 A. Correct. 17 Q. When you say that you put an 18 indication in the file that you were closing it, 19 do you remember what form that took? 20 A. Probably a transfer form, like a 21 personal action form. 22 Q. And do you remember what the 23 substance of that was? 24 A. Just that we're transferring Mindy. 25 Q. And who made that decision?</p> <p style="text-align: right;">[Page 51]</p>	<p>1 Q. Were you in charge of having that 2 stern conversation? 3 A. Yes, I had the conversation with 4 both of them. 5 Q. Did you have it with them together 6 or separate? 7 A. Separate. 8 Q. Was it in person? 9 A. Yes. 10 Q. Was anyone else present? 11 A. Not that I remember, no. 12 Q. Did you have that conversation at 13 anyone's direction? 14 A. In terms of? 15 Q. I'll rephrase. 16 Did anyone instruct you to have that 17 conversation with Miss Hoang and Raz? 18 A. In terms of the -- making false 19 accusations? That was a conversation that I -- 20 it's a practice I have. 21 Q. Did you inform Mr. Crinion at any 22 time that you couldn't corroborate Ms. Hoang's 23 allegations? 24 A. Yes, I did. 25 Q. Do you remember approximately when</p> <p style="text-align: right;">[Page 53]</p>

[14] (Pages 50 to 53)



<p>1 that was?</p> <p>2 A. No, I do not remember.</p> <p>3 Q. Did you inform him by telephone or</p> <p>4 by e-mail?</p> <p>5 A. It might have been by telephone.</p> <p>6 Q. And do you remember what he said in</p> <p>7 response?</p> <p>8 A. I don't remember.</p> <p>9 Q. When was it that you made the</p> <p>10 recommendation that Miss Hoang transfer to</p> <p>11 Paramus?</p> <p>12 A. I can't remember. You know, when</p> <p>13 you're making final decisions like that, it's</p> <p>14 because you are coming to the end and you,</p> <p>15 obviously, can't corroborate or you don't have</p> <p>16 substantial information to state that somebody</p> <p>17 did something incorrect.</p> <p>18 Q. Was that your recommendation or was</p> <p>19 that something suggested by Miss Hoang herself?</p> <p>20 A. You know, I don't remember, but I</p> <p>21 remember that Paramus was a store she had been</p> <p>22 wanting to go to for a very long time.</p> <p>23 Q. Do you know why?</p> <p>24 A. I don't know. I think maybe because</p> <p>25 of the, again, this is my thought, is because of</p> <p style="text-align: right;">[Page 54]</p>	<p>1 A. They were together on the phone. It</p> <p>2 was a conference call.</p> <p>3 Q. Subsequent to you informing</p> <p>4 Mr. Sciarrino and Mr. Mansour that you were</p> <p>5 taking over, did you keep them informed of the</p> <p>6 progress of your investigation?</p> <p>7 A. I don't remember if I did or didn't,</p> <p>8 but I did have a final conversation with them</p> <p>9 before it was closed.</p> <p>10 Q. Before we get to the final</p> <p>11 conversation, let's take Mr. Sciarrino first.</p> <p>12 Did Mr. Sciarrino ever ask you any</p> <p>13 questions about how the investigation was</p> <p>14 proceeding?</p> <p>15 A. Don't remember.</p> <p>16 Q. Did Mr. Mansour ever ask you any</p> <p>17 questions about how the --</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember telling Mr. Mansour</p> <p>20 that you had interviewed all the witnesses?</p> <p>21 A. I -- I don't remember.</p> <p>22 Q. Do you remember Mr. Mansour telling</p> <p>23 you that he had spoken with the witnesses and</p> <p>24 they had never been interviewed?</p> <p>25 A. No.</p> <p style="text-align: right;">[Page 56]</p>
<p>1 the area.</p> <p>2 MR. RITSON: Either you know or you</p> <p>3 don't. If you don't know, don't guess.</p> <p>4 A. Okay. Then I don't know.</p> <p>5 Q. And that's, Miss Bautista, going to</p> <p>6 be true throughout today's deposition. I don't</p> <p>7 want you to guess at any of the answers you give</p> <p>8 today.</p> <p>9 A. Then I don't know. All I know she</p> <p>10 was adamant that she wanted to go to that store.</p> <p>11 Q. Did you ever follow-up with</p> <p>12 Mr. Sciarrino about your investigation?</p> <p>13 A. I believe I followed-up with both</p> <p>14 Mr. Mansour and Mr. Sciarrino.</p> <p>15 At one point I do remember having a</p> <p>16 conversation with them on the phone telling them</p> <p>17 they were to remove themselves at that point. I</p> <p>18 was taking over.</p> <p>19 Q. Do you remember when that was?</p> <p>20 A. No.</p> <p>21 Q. Was that toward the beginning of</p> <p>22 your investigation?</p> <p>23 A. Right, when I came back.</p> <p>24 Q. Did you have the call with them</p> <p>25 together or separate?</p> <p style="text-align: right;">[Page 55]</p>	<p>1 Q. Do you remember telling Mr. Mansour</p> <p>2 that you were simply following Mr. Crinion's</p> <p>3 instructions?</p> <p>4 A. No.</p> <p>5 Q. Would it surprise you that those are</p> <p>6 the allegations made in connection with this</p> <p>7 proceeding?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember when it was that you</p> <p>10 had the final conversation with Mr. Mansour and</p> <p>11 Mr. Sciarrino?</p> <p>12 A. I have no idea.</p> <p>13 Q. Was that in-person conversation or</p> <p>14 by phone?</p> <p>15 A. I don't remember.</p> <p>16 Q. And do you remember the substance of</p> <p>17 that conversation?</p> <p>18 A. That the case was being closed and</p> <p>19 that Mindy was being moved.</p> <p>20 Q. Did you tell them what your findings</p> <p>21 were?</p> <p>22 A. I was not able to validate that Raz</p> <p>23 actually acted inappropriately.</p> <p>24 Q. Did you inform them of that?</p> <p>25 A. Yes.</p> <p style="text-align: right;">[Page 57]</p>

[15] (Pages 54 to 57)

<p>1 Q. And was Miss Hoang actually moved?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember when?</p> <p>4 A. No, I do not remember.</p> <p>5 Q. Would it have been shortly after the</p> <p>6 conclusion of your investigation?</p> <p>7 A. Yes.</p> <p>8 Q. You said you don't believe your</p> <p>9 investigation took one month, I think; is that</p> <p>10 correct?</p> <p>11 A. I don't believe it did.</p> <p>12 Q. Did it take two months?</p> <p>13 A. I don't remember.</p> <p>14 Q. Do you remember if it took three</p> <p>15 months?</p> <p>16 A. I don't remember.</p> <p>17 Q. Do you remember having a meeting</p> <p>18 with Mr. Mansour in January?</p> <p>19 MR. RITSON: Of what year?</p> <p>20 Q. Of 2000, oh, sorry.</p> <p>21 Do you remember having a meeting</p> <p>22 with Mr. Mansour in January of 2012 about</p> <p>23 allegations of theft?</p> <p>24 A. I did not have a meeting. I was</p> <p>25 called into the meeting.</p> <p style="text-align: right;">[Page 58]</p>	<p>1 A. Yes.</p> <p>2 Q. Who called you into it?</p> <p>3 A. Don't remember.</p> <p>4 Q. Do you remember who was</p> <p>5 participating in that meeting?</p> <p>6 A. When I walked in, Jerry was there.</p> <p>7 Ted was there. Tamer and Mark.</p> <p>8 Q. Jerry Cook?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember Mr. Cook's title?</p> <p>11 A. Director of sales.</p> <p>12 Q. Is Ted the same IT specialist that</p> <p>13 you mentioned earlier?</p> <p>14 A. Correct.</p> <p>15 Q. And do you remember Tamer's full</p> <p>16 name?</p> <p>17 A. No.</p> <p>18 Q. And what was his title?</p> <p>19 A. He was, I think, director of</p> <p>20 merchandising.</p> <p>21 Q. And Mark, are you referring to Mark</p> <p>22 Scott?</p> <p>23 A. Yes, I'm referring to Mark Scott.</p> <p>24 Q. And was Mr. Mansour there himself?</p> <p>25 A. Yes, he was.</p> <p style="text-align: right;">[Page 60]</p>
<p>1 MR. RITSON: Are you done?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MR. RITSON: Okay. I just want to</p> <p>4 note, for the record, before we move on from</p> <p>5 Mindy Hoang that I've been very liberal with</p> <p>6 letting that line of questioning go on, basically</p> <p>7 limited objections for both depositions; but just</p> <p>8 note, for the record, Miss Hoang's claims are not</p> <p>9 an issue in the case and they were, in fact,</p> <p>10 dismissed by the EEOC when she attempted to make</p> <p>11 a formal complaint.</p> <p>12 MR. VALLAS: That is noted and,</p> <p>13 also, I would just note, we will memorialize this</p> <p>14 in writing, but we will make calls for the</p> <p>15 production of the investigation file and witness</p> <p>16 statements. That can be memorialized</p> <p>17 subsequently.</p> <p>18 MR. RITSON: For the record, we will</p> <p>19 likely object to that. I don't see the relevance</p> <p>20 to this case and Miss Hoang's claims are not at</p> <p>21 issue here.</p> <p>22 MR. VALLAS: No need to litigate</p> <p>23 this right now.</p> <p>24 Q. Moving back to this meeting in</p> <p>25 January, you say you were called into it?</p> <p style="text-align: right;">[Page 59]</p>	<p>1 Q. Do you remember what the allegations</p> <p>2 were?</p> <p>3 A. They were allegations of items that</p> <p>4 were missing in the, from the clearance.</p> <p>5 Q. Do you know how this came to the</p> <p>6 attention of Ashley Furniture?</p> <p>7 A. Don't know the full scheme but, no,</p> <p>8 because I came in at the end, like I said.</p> <p>9 Q. As a matter of policy, what is your</p> <p>10 role in investigating allegations of theft at</p> <p>11 Ashley Furniture?</p> <p>12 A. It depends what type of theft. I'm</p> <p>13 not always involved in that, in the</p> <p>14 investigations.</p> <p>15 Q. So what type of theft would you be</p> <p>16 involved with?</p> <p>17 A. I've been involved with money. Like</p> <p>18 in my current position, I can be involved with</p> <p>19 people taking clothes from work or wearing --</p> <p>20 MR. RITSON: I think Mr. Vallas is</p> <p>21 just asking about Ashley Furniture.</p> <p>22 Q. Specifically just Ashley Furniture?</p> <p>23 A. I've been involved predominantly</p> <p>24 with money.</p> <p>25 Q. As opposed to merchandise?</p> <p style="text-align: right;">[Page 61]</p>

[16] (Pages 58 to 61)

<p>1 A. Yes.</p> <p>2 Q. Is that division of responsibility</p> <p>3 outlined in any document?</p> <p>4 A. No.</p> <p>5 Q. How did you become aware of your</p> <p>6 responsibility with respect to theft of money as</p> <p>7 opposed to theft of merchandise?</p> <p>8 A. Because I got called in to do it. I</p> <p>9 was given that to do.</p> <p>10 Q. Who would assign that to do?</p> <p>11 A. Eugene.</p> <p>12 Q. Mr. Crinion would charge you with</p> <p>13 investigating certain thefts?</p> <p>14 A. Yes, like, if there was money</p> <p>15 missing or a deposit that didn't happen, they</p> <p>16 would ask me to look at time records.</p> <p>17 Q. Did anyone ask you to investigate</p> <p>18 this particular theft involving Mr. Mansour about</p> <p>19 which -- withdraw that question.</p> <p>20 The theft that was being discussed</p> <p>21 in this January meeting, were you asked to</p> <p>22 investigate that?</p> <p>23 A. Not me in particular. We were --</p> <p>24 I was asked to look at the items that were pulled</p> <p>25 up out of the computer.</p> <p style="text-align: right;">[Page 62]</p>	<p>1 Q. Can I direct your attention to page</p> <p>2 6.</p> <p>3 A. Okay.</p> <p>4 Q. Is that your signature?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And you signed that in front of a</p> <p>7 notary public?</p> <p>8 A. Yes.</p> <p>9 Q. And on paragraph 21 it says, "I</p> <p>10 hereby declare that the foregoing statements made</p> <p>11 by me are true, to the best of my knowledge"?</p> <p>12 A. Correct.</p> <p>13 Q. Do you understand that you were</p> <p>14 swearing to the truth of those --</p> <p>15 A. Yes.</p> <p>16 Q. -- statements?</p> <p>17 If I could refer your attention,</p> <p>18 Miss Bautista, to paragraphs 2 through 5 of your</p> <p>19 affidavit, on pages 1 and 2.</p> <p>20 A. Okay.</p> <p>21 Q. Does that refresh your recollection</p> <p>22 about the substance of the allegations made</p> <p>23 during that meeting?</p> <p>24 A. Yes.</p> <p>25 Q. Do you remember who investigated</p> <p style="text-align: right;">[Page 64]</p>
<p>1 Q. And who asked you to do that?</p> <p>2 A. I don't remember.</p> <p>3 Q. And when were you asked to do that?</p> <p>4 A. Shortly after.</p> <p>5 Q. After the meeting?</p> <p>6 A. After that meeting when they found</p> <p>7 that there were items and pieces missing.</p> <p>8 Q. Do you know when they found that</p> <p>9 there were items and pieces missing?</p> <p>10 A. I don't know.</p> <p>11 MR. VALLAS: I'm going to ask the</p> <p>12 court reporter to mark this document. I believe</p> <p>13 we're up to five, Bautista 5.</p> <p>14 (Bautista Exhibit 5 marked for</p> <p>15 identification.)</p> <p>16 MR. RITSON: You made it</p> <p>17 double-sided.</p> <p>18 MR. VALLAS: I'm trying to save</p> <p>19 trees.</p> <p>20 Q. Do you recognize that document,</p> <p>21 Miss Bautista?</p> <p>22 A. Yes.</p> <p>23 Q. Can you tell me what it is?</p> <p>24 A. It's an affidavit of information</p> <p>25 that I had given sometime ago.</p> <p style="text-align: right;">[Page 63]</p>	<p>1 these allegations?</p> <p>2 A. I believe it was Tamer, Mark and Ted</p> <p>3 and Jerry. That was the first piece of the</p> <p>4 allegation, when they found the information.</p> <p>5 Q. When you say the first piece of the</p> <p>6 allegation?</p> <p>7 A. When they found that something was</p> <p>8 wrong in clearance.</p> <p>9 Q. And what exactly was it that was</p> <p>10 wrong in clearance?</p> <p>11 A. There were pieces missing.</p> <p>12 Q. Were those pieces paid for?</p> <p>13 A. Don't know.</p> <p>14 Q. Do you know if there was any record</p> <p>15 of payment being made for those pieces?</p> <p>16 A. Don't know.</p> <p>17 Q. Were you asked to look into that?</p> <p>18 A. Yes.</p> <p>19 Q. By whom?</p> <p>20 A. By Mark.</p> <p>21 Q. And did you do so?</p> <p>22 A. And Jerry. Yes.</p> <p>23 Q. Did you at one time know whether</p> <p>24 there was a record of a payment for those pieces?</p> <p>25 A. I don't believe we were ever able to</p> <p style="text-align: right;">[Page 65]</p>

[17] (Pages 62 to 65)

<p>1 find anything.</p> <p>2 Q. Does Miss Arias, Miss Ramona Arias,</p> <p>3 referenced in paragraph 3 ever claim that she not</p> <p>4 receive the pieces of furniture?</p> <p>5 A. That conversation was had with</p> <p>6 Jerry.</p> <p>7 Q. Were you present when he had that</p> <p>8 conversation?</p> <p>9 A. I was present in the room, yes.</p> <p>10 Q. Do you know whether or not she</p> <p>11 claimed not to have received the pieces of</p> <p>12 furniture?</p> <p>13 A. She claimed that she did not receive</p> <p>14 them.</p> <p>15 Q. At this time, did Ashley Furniture</p> <p>16 consider those pieces of furniture to have been</p> <p>17 stolen?</p> <p>18 A. Yes.</p> <p>19 Q. At some stage you contacted the</p> <p>20 police about Mr. Mansour; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. If I could actually refer your</p> <p>23 attention to Exhibit D of your affidavit. The</p> <p>24 page isn't numbered.</p> <p>25 Do you recognize that document,</p> <p style="text-align: right;">[Page 66]</p>	<p>1 MR. RITSON: Objection to form. You</p> <p>2 can answer.</p> <p>3 A. I believe that this was specifically</p> <p>4 on something else. This statement was</p> <p>5 specifically heading to something else. It had</p> <p>6 nothing to do with the information regarding</p> <p>7 Miss Arias.</p> <p>8 Q. Is it the practice of Ashley</p> <p>9 Furniture to contact the police in response to</p> <p>10 every allegation of theft?</p> <p>11 A. Yes. If it's over a certain amount,</p> <p>12 yes.</p> <p>13 Q. Do you know why the police weren't</p> <p>14 contacted in response to the allegation of theft</p> <p>15 involving Miss Arias?</p> <p>16 A. I don't know.</p> <p>17 Q. Was that your decision not to</p> <p>18 contact the police?</p> <p>19 A. No.</p> <p>20 THE VIDEOGRAPHER: I'm sorry to</p> <p>21 interrupt. I have about five minutes left on my</p> <p>22 DVD.</p> <p>23 MR. VALLAS: Why don't we take a</p> <p>24 break now.</p> <p>25 THE VIDEOGRAPHER: This will be the</p> <p style="text-align: right;">[Page 68]</p>
<p>1 Miss Bautista?</p> <p>2 A. Yes.</p> <p>3 Q. Can you describe what it is?</p> <p>4 A. It was a statement that was made by</p> <p>5 me on behalf of a company that I was instructed</p> <p>6 to file a complaint.</p> <p>7 Q. And the date on it is February 20,</p> <p>8 2012; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Is there anywhere in this complaint</p> <p>11 -- withdraw that question.</p> <p>12 Did you reference in this complaint</p> <p>13 the theft of furniture that was discussed at the</p> <p>14 January 17th meeting with Mr. Mansour?</p> <p>15 A. I don't remember. I'd have to read</p> <p>16 it. I don't believe it's on here. I don't</p> <p>17 believe we ever -- regarding the Miss Arias?</p> <p>18 Q. That's correct.</p> <p>19 A. I don't believe it's on here.</p> <p>20 Q. Do you know why not?</p> <p>21 A. I don't know.</p> <p>22 Q. Was it your decision to omit that</p> <p>23 information?</p> <p>24 A. No.</p> <p>25 Q. Do you know whose decision it was?</p> <p style="text-align: right;">[Page 67]</p>	<p>1 end of DVD number 1 at 7:15 p.m. We're going off</p> <p>2 the video record.</p> <p>3 (A break from the record was taken.)</p> <p>4 THE VIDEOGRAPHER: This will be the</p> <p>5 beginning of DVD number 2 in Aazel Bautista's</p> <p>6 videotape deposition at 7:28 p.m. We're back on</p> <p>7 video.</p> <p>8 MR. VALLAS: Can you read back the</p> <p>9 last question and answer.</p> <p>10 (The record was read.)</p> <p>11 Q. I believe before we went off the</p> <p>12 record, Miss Bautista, you said that it's the</p> <p>13 policy of Ashley Furniture to report all thefts</p> <p>14 to the police over a certain amount?</p> <p>15 A. That's what I understand.</p> <p>16 Q. Do you know what that amount is?</p> <p>17 A. No, I do not.</p> <p>18 Q. Is that policy reflected in any</p> <p>19 writing that you're aware of?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. How are you aware of -- withdraw</p> <p>22 that.</p> <p>23 What do you base your understanding</p> <p>24 of that policy on?</p> <p>25 A. Because I'm directed by the owner or</p> <p style="text-align: right;">[Page 69]</p>

[18] (Pages 66 to 69)

<p>1 the COO when they want to move forward with 2 filing a report.</p> <p>3 Q. Who was it who directed you to move 4 forward filing a police report in Exhibit D?</p> <p>5 A. I don't remember specifically.</p> <p>6 Q. Would it have been your decision?</p> <p>7 A. No.</p> <p>8 Q. If we could take a look at paragraph 9 3 of your affidavit.</p> <p>10 In the second line you say that, or 11 excuse me, in the first line you say, "Mr. Cook 12 was telephoning an Ashley customer and an outside 13 vendor in an effort to corroborate certain claims 14 made by Mr. Mansour in an attempt to defend 15 himself against evidence of theft by him from 16 Ashley."</p> <p>17 Do you know what specifically that 18 evidence of theft was?</p> <p>19 A. I believe it was the pieces that 20 they were discussing earlier that they were 21 missing.</p> <p>22 Q. Was that the only evidence of theft 23 against Mr. Mansour?</p> <p>24 A. I don't know. I'm assuming that it 25 was.</p> <p style="text-align: right;">[Page 70]</p>	<p>1 allegation was?</p> <p>2 A. If I recall correctly, in my 3 affidavit, there was a couple that came in for 4 furniture, which they subsequently did not 5 receive, and they were looking to get their, the 6 goods.</p> <p>7 Q. Do you remember when they had 8 initially come in for the furniture?</p> <p>9 A. I was not there. They saw two other 10 people.</p> <p>11 Q. Do you know who that was?</p> <p>12 A. That was Jackie and Sal.</p> <p>13 Q. Is that Jacqueline Wright?</p> <p>14 A. Yes.</p> <p>15 Q. Was Jacqueline Wright an employee in 16 the human resources department?</p> <p>17 A. No.</p> <p>18 Q. When were you informed of the 19 Yousef's complaint?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you remember who informed you?</p> <p>22 A. I believe -- I don't remember. It 23 could have been either two people, either Jerry 24 or Sal. I don't remember.</p> <p>25 Q. Mr. Cook?</p> <p style="text-align: right;">[Page 72]</p>
<p>1 Q. In paragraph 4, at the end, you 2 state that Mr. Mansour -- "I understood 3 Mr. Mansour's statement to mean that he was 4 resigning from his employment with Ashley"; is 5 that correct?</p> <p>6 A. Correct.</p> <p>7 Q. As you sit here today, do you -- is 8 it your understanding that Mr. Mansour resigned 9 from Ashley?</p> <p>10 A. That's how I understand it.</p> <p>11 Q. Did you inform anybody -- strike 12 that.</p> <p>13 Did you inform Mr. Crinion of the 14 results of this meeting?</p> <p>15 A. I believe Jerry did or Mark did.</p> <p>16 Q. Do you know if Mr. Crinion was told 17 that Mr. Mansour had resigned?</p> <p>18 A. I don't know.</p> <p>19 Q. Would it surprise you to know that 20 Mr. Crinion testified that Mr. Mansour was 21 terminated?</p> <p>22 A. Yes.</p> <p>23 Q. If we move forward to the next 24 allegation involving Mr. and Mrs Yousef, can you 25 describe to me what the substance of that</p> <p style="text-align: right;">[Page 71]</p>	<p>1 A. Yes, Mr. Cook.</p> <p>2 Q. Do you know how Mr. Cook would have 3 known?</p> <p>4 A. Through Sal.</p> <p>5 Q. If you look on paragraph 6, it says, 6 "On January 19, 2012, Mr. Cook and I met at the 7 Secaucus store with an Ashley customer named Dina 8 Yousef"?</p> <p>9 A. Correct.</p> <p>10 Q. At the end of that paragraph, it 11 says, "Mr. Sciarrino had advised Mr. Cook and me 12 of the events of the January 18, 2012 meeting."</p> <p>13 Does that refresh your recollection 14 of when you were informed of the allegations of 15 theft?</p> <p>16 A. It had to be within that time frame.</p> <p>17 Q. Prior to meeting with the Yousefs, 18 did you investigate their allegations at all?</p> <p>19 A. Prior to meeting with the actual 20 couple?</p> <p>21 Q. That's right.</p> <p>22 A. We were given an invoice by the 23 couple. I think the couple gave it to Sal, and 24 we really didn't have much to go on until they 25 gave us the information, which were the invoice</p> <p style="text-align: right;">[Page 73]</p>

[19] (Pages 70 to 73)



<p>1 that they had.</p> <p>2 Q. Do you know if anyone investigated</p> <p>3 the claims before the January 19th meeting?</p> <p>4 A. Possibly, no, I don't believe so,</p> <p>5 because we didn't know anything about it. Well,</p> <p>6 not to the detail we found out when we met with</p> <p>7 them.</p> <p>8 Q. What was said at that meeting with</p> <p>9 the Yousefs on January 19th?</p> <p>10 A. Well, Jerry really was the lead on</p> <p>11 it. I was there just pretty much listening.</p> <p>12 They were just very upset that they</p> <p>13 didn't get their furniture. They called to find</p> <p>14 about their furniture and found out that Mr.</p> <p>15 Mansour was no longer with us and wanted to know</p> <p>16 what was going to happen.</p> <p>17 Q. And what did you tell them in</p> <p>18 response?</p> <p>19 A. I didn't tell them anything. Jerry</p> <p>20 was the one that lead the investigation.</p> <p>21 Q. Do you remember what Mr. Cook said</p> <p>22 in response?</p> <p>23 A. I believe Jerry tried to appease</p> <p>24 them, had the conversation with them and said</p> <p>25 that we were going to look into it and I believe</p> <p style="text-align: right;">[Page 74]</p>	<p>1 given us. And so we tried to find it in the</p> <p>2 system. I didn't try to find it in the system.</p> <p>3 Someone else, our controller at the time, pulled</p> <p>4 up the information.</p> <p>5 Q. Are you aware of whether Ashley</p> <p>6 Furniture offers a price match?</p> <p>7 A. I believe they do.</p> <p>8 Q. Do you know what's involved with</p> <p>9 that?</p> <p>10 A. No, I don't.</p> <p>11 Q. Do you know whether sales associates</p> <p>12 require approval in order to offer that price</p> <p>13 match?</p> <p>14 A. I believe they do.</p> <p>15 Q. Do you know how they obtained that</p> <p>16 approval?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did you know at one time?</p> <p>19 A. I'm sure I did at one time.</p> <p>20 Q. Do you know whether sales associates</p> <p>21 obtain approval to offer the price match by</p> <p>22 generating an invoice and then cancelling it?</p> <p>23 A. That I don't know.</p> <p>24 Q. Did anyone raise that possibility in</p> <p>25 connection with these invoices?</p> <p style="text-align: right;">[Page 76]</p>
<p>1 he partnered up with, evidently, the owner,</p> <p>2 Eugene and Mark.</p> <p>3 Q. When you say partnered up?</p> <p>4 A. Mark Scott has to partner up with</p> <p>5 the owner and the COO in terms of this is what's</p> <p>6 was going on, what should we do, what are our</p> <p>7 next steps.</p> <p>8 Q. You mean he informed them?</p> <p>9 A. Yes.</p> <p>10 Q. When you say partnered up, are you</p> <p>11 referring to an investigation that took place?</p> <p>12 A. Yes.</p> <p>13 Q. Did Mr. Crinion participate in that</p> <p>14 investigation?</p> <p>15 A. I don't know.</p> <p>16 Q. Did Mr. Scott?</p> <p>17 A. I don't know.</p> <p>18 Q. Did you participate in that</p> <p>19 investigation?</p> <p>20 A. I did with looking at some of the</p> <p>21 invoices.</p> <p>22 Q. What was it specifically that you</p> <p>23 looked at?</p> <p>24 A. I looked at some sale orders based</p> <p>25 on what the couple had given us, the Yousefs had</p> <p style="text-align: right;">[Page 75]</p>	<p>1 A. I don't remember.</p> <p>2 Q. Did Mr. Cook ever mention that</p> <p>3 Mr. Mansour had sought his approval of a price</p> <p>4 match for the Yousefs?</p> <p>5 A. No.</p> <p>6 Q. Did Mr. Cook ever mention that he</p> <p>7 was aware of the sale that was made to the</p> <p>8 Yousefs prior to January 18th?</p> <p>9 A. No.</p> <p>10 Q. Did anyone else at Ashley mention</p> <p>11 that they were aware of the sales of the Yousefs</p> <p>12 prior to January 18th?</p> <p>13 A. No.</p> <p>14 Q. I'd like to direct your attention to</p> <p>15 Exhibit 12. Oh, excuse me. I'm sorry. To</p> <p>16 paragraph 12 of the affidavit, on page 4.</p> <p>17 It says, "To be clear, what Exhibit</p> <p>18 'A' and 'B' show are that on each of two</p> <p>19 different days, Mr. Mansour created a sales</p> <p>20 invoice, took the Yousefs' money, and then</p> <p>21 immediately deleted the sales invoice from</p> <p>22 Ashley's internal sales system."</p> <p>23 Was that your conclusion?</p> <p>24 A. There was our conclusion.</p> <p>25 Q. And what was that conclusion based</p> <p style="text-align: right;">[Page 77]</p>

[20] (Pages 74 to 77)

<p>1 on?</p> <p>2 A. Based on the information that was</p> <p>3 actually gathered and put together from Jerry and</p> <p>4 the controller at the time.</p> <p>5 Q. Who was the controller?</p> <p>6 A. Mary Rusee.</p> <p>7 Q. Mary Rusee was involved in the</p> <p>8 investigation?</p> <p>9 A. She pulled up the information. I</p> <p>10 don't have access to pull this type of.</p> <p>11 Q. So is it fair to say that Miss Rusee</p> <p>12 and Mr. Cook were involved in actually gathering</p> <p>13 information regarding these allegations?</p> <p>14 MR. RITSON: Objection to the form.</p> <p>15 You can answer.</p> <p>16 A. It could be more people. I'm not</p> <p>17 sure, but I know that I worked with them in order</p> <p>18 to look at this.</p> <p>19 Q. Were you involved in gathering</p> <p>20 information or did you simply analyze the</p> <p>21 information?</p> <p>22 A. I simply analyzed the information</p> <p>23 thereafter.</p> <p>24 Q. Did you ever speak to Mr. Mansour</p> <p>25 about these allegations?</p> <p style="text-align: right;">[Page 78]</p>	<p>1 Q. Now, just to get the chronology</p> <p>2 straight, on January 17th nobody at Ashley</p> <p>3 Furniture was aware of the Yusefs; is that</p> <p>4 correct?</p> <p>5 A. Right, we didn't know at that time</p> <p>6 -- hold on. Let me look at the dates real quick.</p> <p>7 You're trying to jog a memory.</p> <p>8 Q. No, no. Please, take your time and</p> <p>9 take as much time as you need to review the</p> <p>10 affidavit as you'd like.</p> <p>11 A. Yes, when the first conversation</p> <p>12 occurred with Mr. Mansour no one knew about the</p> <p>13 Yusefs.</p> <p>14 Q. So what were you trying to text Mr.</p> <p>15 Mansour about on the 17th shortly after he left</p> <p>16 the building?</p> <p>17 MR. RITSON: Objection to form. You</p> <p>18 can answer.</p> <p>19 A. Just help me help you.</p> <p>20 Q. What does that mean specifically?</p> <p>21 A. Just tell me what happened.</p> <p>22 Q. And this is in reference to the</p> <p>23 Ramona Arias incident; is that correct?</p> <p>24 A. That was to the incident of him</p> <p>25 walking out which subsequently was because of the</p> <p style="text-align: right;">[Page 80]</p>
<p>1 A. No, I really did not speak with him.</p> <p>2 Q. Did you attempt to speak with him?</p> <p>3 A. We attempted, yes.</p> <p>4 Q. How did you attempt?</p> <p>5 A. Via text.</p> <p>6 Q. And when did you text -- strike</p> <p>7 that.</p> <p>8 Did you text Mr. Mansour?</p> <p>9 A. I don't remember.</p> <p>10 Q. Do you remember when Mr. Mansour was</p> <p>11 texted?</p> <p>12 A. I don't remember. It was shortly</p> <p>13 thereafter.</p> <p>14 Q. Was it prior to the filing of the</p> <p>15 police report?</p> <p>16 A. Yes.</p> <p>17 Q. Just to refresh your recollection,</p> <p>18 the police report I believe was filed on</p> <p>19 February 20, 2012?</p> <p>20 A. Yes. The text message, if I</p> <p>21 remember, we attempted to speak shortly after he</p> <p>22 departed the building, not after the Yusefs.</p> <p>23 Q. Shortly after he departed the</p> <p>24 building on January 17th?</p> <p>25 A. On the 17th, correct.</p> <p style="text-align: right;">[Page 79]</p>	<p>1 conversation that was occurring in the room prior</p> <p>2 to me coming in.</p> <p>3 Q. So is it your testimony that</p> <p>4 Mr. Mansour was texted to determine why he left</p> <p>5 the meeting?</p> <p>6 A. I don't know what in detail, whether</p> <p>7 he texted me first or I texted him, but it was</p> <p>8 just to get down to why, what's going on.</p> <p>9 Q. And what was the substance of those</p> <p>10 text messages?</p> <p>11 A. Like I said just, what, what's going</p> <p>12 on.</p> <p>13 Q. Do you know what Mr. Mansour said in</p> <p>14 response?</p> <p>15 A. He never really answered the</p> <p>16 question. Just that he takes care of his people.</p> <p>17 I can only remember that part.</p> <p>18 Q. He takes care of his people. Did</p> <p>19 you understand -- strike that.</p> <p>20 What did you understand that to</p> <p>21 mean?</p> <p>22 A. I don't know.</p> <p>23 Q. Did you ask Mr. Mansour to clarify?</p> <p>24 A. I told him, well, I'm trying to take</p> <p>25 care of you.</p> <p style="text-align: right;">[Page 81]</p>

[21] (Pages 78 to 81)



<p>1 Q. Were you using a company phone at 2 that time, Miss Bautista?</p> <p>3 A. No.</p> <p>4 Q. You were using your personal phone?</p> <p>5 A. Yes, but it was also a company phone 6 because I was -- we were paid for our company 7 phone. I mean, we were paid for a portion as per 8 my employment.</p> <p>9 Q. Is it correct to say that you were 10 given an allowance towards your phone bill?</p> <p>11 A. Yes.</p> <p>12 Q. But your phone bill would be in your 13 own name?</p> <p>14 A. Correct.</p> <p>15 Q. Do you still have that number?</p> <p>16 A. Yes.</p> <p>17 Q. And that same account?</p> <p>18 A. Yes.</p> <p>19 Q. Subsequently, during your 20 investigation of the complaint raised by the 21 Yousefs, did you ever attempt to contact 22 Mr. Mansour about those allegations?</p> <p>23 A. I did not speak to him. Actually, I 24 don't remember, to be honest with you.</p> <p>25 Q. Did you try?</p> <p style="text-align: right;">[Page 82]</p>	<p>1 Did you think that it was important 2 to speak with Mr. Mansour in connection with this 3 investigation?</p> <p>4 A. It would have been to try to get the 5 details on his side but, at that point, he was no 6 longer with the company.</p> <p>7 Q. Were you aware of any reason why you 8 would not have been allowed to speak with Mr. 9 Mansour even though he wasn't with the company?</p> <p>10 A. No.</p> <p>11 Q. Other than the invoices, is there 12 any other basis for the conclusion you express in 13 paragraph 12 that Mr. Mansour created a sales 14 invoice, took the Yousefs money and then 15 immediately deleted the sales invoice from 16 Ashley's internal sales system?</p> <p>17 A. That was a final conclusion that 18 they, that Ashley came up with, based on the 19 information that we all looked at.</p> <p>20 Q. And other than the sales invoices, 21 what information would that have been?</p> <p>22 A. The sales invoices that the Yousefs 23 came to show us and the ones we could not find 24 and found that there was a trail that they were 25 deleted from the system.</p> <p style="text-align: right;">[Page 84]</p>
<p>1 A. I don't remember trying.</p> <p>2 Q. Do you know if anyone else spoke 3 with Mr. Mansour?</p> <p>4 A. I believe Mark Scott might have.</p> <p>5 Q. Do you know if Mr. Scott spoke with 6 Mr. Mansour prior to the police report having 7 been filed?</p> <p>8 A. I don't remember.</p> <p>9 Q. Did Mr. Scott inform you of the 10 substance of his discussion with Mr. Mansour?</p> <p>11 A. Didn't go much into the details that 12 he did speak to him.</p> <p>13 Q. Did you ask him what Mr. Mansour 14 said?</p> <p>15 A. I believe I might have asked him but 16 I didn't get any real details as to the 17 conversation.</p> <p>18 Q. Did you think that Mr. Mansour's 19 discussion with Mr. Scott was relevant to your 20 investigation to the complaint?</p> <p>21 A. I don't know. I didn't know what 22 their conversation was about.</p> <p>23 Q. Did you think that it was important 24 to speak with Mr. Yousef in connection with this 25 investigation -- withdraw that question.</p> <p style="text-align: right;">[Page 83]</p>	<p>1 Q. And when you say that was the 2 conclusion that we came to --</p> <p>3 A. Right.</p> <p>4 Q. Who are you referring to?</p> <p>5 A. The people who looked it over.</p> <p>6 Everyone from Jerry; I looked at it. Mary looked 7 at it. I believe Mark Scott might have looked at 8 it. I'm not, I don't know if anyone else did.</p> <p>9 Q. This will be my last question on 10 this, but to clarify your testimony, the only 11 evidence that forms the basis of the conclusion 12 expressed in paragraph 12 are the two invoices 13 that are in paragraphs A and B, are, excuse me, 14 that are in Exhibits A and B and the missing 15 payments from the Ashley record?</p> <p>16 A. Right. There's an invoice. There 17 was an actual invoice that was generated and 18 that's how we were able to get these numbers, and 19 we were then able to go into the system, well, 20 actually, I didn't go into the system. I don't 21 remember if it was Mary or Jerry, but one of them 22 went into the system and was able to find that 23 there was a list. You could see where it is and 24 then it's not.</p> <p>25 MR. RITSON: Just note for the</p> <p style="text-align: right;">[Page 85]</p>

[22] (Pages 82 to 85)

<p>1 record, the witness is pointing to Exhibit, is it 2 A or B?</p> <p>3 THE WITNESS: Hold on. This is A. 4 MR. RITSON: While speaking just 5 now.</p> <p>6 Q. Thank you for that, actually. 7 Can you actually, Miss Bautista, 8 refer me specifically on Exhibit A to what you're 9 referencing?</p> <p>10 A. Right in the middle. The bottom 11 where it says sales changes. My vision is very 12 bad so you're going to have to excuse me.</p> <p>13 Q. It's okay. The resolution is a 14 little bit poor.</p> <p>15 A. It shows, this is the only 16 recollection because I haven't seen these in a 17 while and I don't --</p> <p>18 Q. Please take your time.</p> <p>19 A. There was an invoice generated. 20 Then it was changed and then it was deleted. And 21 it's, there's a trail of, you know, 138, 139 it 22 looks like. Four actually. I can't even read.</p> <p>23 Q. It does look like five, I believe.</p> <p>24 A. No. It's four.</p> <p>25 Q. 4:39 p.m.?</p> <p style="text-align: right;">[Page 86]</p>	<p>1 look at what everybody was already looking at. 2 To kind of validate it I had to walk through it 3 to understand what I was looking at.</p> <p>4 Q. And so the inferences that were 5 drawn were drawn by those with more information?</p> <p>6 A. Based on this, based on the invoices 7 that we had. It was there and then it wasn't 8 there.</p> <p>9 Q. But, ultimately, it would have been 10 the other people participating in the 11 investigations who made these conclusions; is 12 that correct?</p> <p>13 A. Because it was a team effort, 14 correct.</p> <p>15 Q. Okay. 16 Do you still work for Ashley 17 Furniture, Miss Bautista?</p> <p>18 A. No.</p> <p>19 Q. And when did you leave?</p> <p>20 A. August, 2012.</p> <p>21 Q. Did you resign?</p> <p>22 A. Yes.</p> <p>23 Q. I'm just coming up to the end now. 24 At the time of your resignation -- 25 strike that.</p> <p style="text-align: right;">[Page 88]</p>
<p>1 A. Exhibit A it's four. But there's a 2 line item here where it shows on 430, I'm not 3 sure if it is 439 or 438, that it was deleted. 4 The invoice 4200383 I believe it was, yeah, 830, 5 830, it's very hard to see this. It's really 6 bad, but it shows that it was deleted.</p> <p>7 Q. When you were conducting this 8 investigation, did you consider any other 9 explanations for why that invoice might have been 10 deleted?</p> <p>11 A. No.</p> <p>12 Q. As you sit here today, could you 13 think of any other explanations for why that 14 invoice had been deleted?</p> <p>15 A. No.</p> <p>16 Q. Well, were you familiar with the 17 protocol for entering sales into the system?</p> <p>18 A. No.</p> <p>19 Q. Were you familiar with the protocol 20 for deleting sales from the system?</p> <p>21 A. No.</p> <p>22 Q. So did you feel that you had 23 sufficient information to make that conclusion?</p> <p>24 A. Again, I didn't make the conclusion 25 on my own. I was the last party to come in and</p> <p style="text-align: right;">[Page 87]</p>	<p>1 Were you presented by Mr. Scott with 2 the option to either resign or be terminated?</p> <p>3 A. No.</p> <p>4 Q. Are you aware -- I withdraw that 5 question.</p> <p>6 Would it surprise you to hear that 7 Mr. Scott contacted Mr. Mansour in August about 8 allegations of theft regarding you?</p> <p>9 A. Yes.</p> <p>10 Q. Would it surprise you to hear that 11 Mr. Scott informed Mr. Mansour that you had been 12 given the option to either resign or be 13 terminated?</p> <p>14 A. Yes, I'm surprised.</p> <p>15 MR. VALLAS: Can we go off the 16 record for a moment?</p> <p>17 THE VIDEOGRAPHER: Sure. At 18 7:50 p.m. we're going off the video record. 19 (A break from the record.) 20 THE VIDEOGRAPHER: At 7:57 p.m. 21 we're back on the video record.</p> <p>22 Q. Miss Bautista, I just have one more 23 question.</p> <p>24 I believe you testified earlier that 25 Mr. Crinion would sometimes make book</p> <p style="text-align: right;">[Page 89]</p>

[23] (Pages 86 to 89)

<p>1 recommendations to employees?</p> <p>2 A. Yes.</p> <p>3 Q. Did Mr. Crinion ever recommend the</p> <p>4 Bible to employees?</p> <p>5 A. No, that I don't remember.</p> <p>6 Q. Did he ever recommend Christian</p> <p>7 literature to employees?</p> <p>8 A. I believe one book was.</p> <p>9 Q. Do you remember what that book was?</p> <p>10 A. The Man in the Mirror.</p> <p>11 Q. Can you tell me what The Man in the</p> <p>12 Mirror is?</p> <p>13 A. I don't know. I didn't read it.</p> <p>14 Q. But is it your testimony that The</p> <p>15 Man in the Mirror is a book with Christian</p> <p>16 themes?</p> <p>17 A. I believe it has, again, I didn't</p> <p>18 read it. This is just what I've heard.</p> <p>19 Q. Where did you hear it?</p> <p>20 A. I believe I heard -- Eugene once</p> <p>21 mentioned it to me.</p> <p>22 Q. Mentioned that the book had</p> <p>23 Christian themes?</p> <p>24 A. Right.</p> <p>25 Q. Did you ever tell Mr. Crinion that</p> <p style="text-align: right;">[Page 90]</p>	<p>1 BY MR. RITSON:</p> <p>2 Q. I'll be really quick.</p> <p>3 Miss Bautista, did you interview</p> <p>4 Mark Moses?</p> <p>5 A. Phone screen.</p> <p>6 Q. Okay.</p> <p>7 And what, if anything, was your</p> <p>8 impression of him based on that phone screen?</p> <p>9 A. He had some good experience. If</p> <p>10 anything I recommended for him to come on board</p> <p>11 as a sales associate.</p> <p>12 Q. Why was that?</p> <p>13 A. I didn't feel he had the experience</p> <p>14 for a sales manager.</p> <p>15 Q. Ultimately he did come on board as a</p> <p>16 sales manager, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And how was it that that came to be</p> <p>19 despite your feeling?</p> <p>20 A. Jerry, Jerry saw something in him</p> <p>21 that he felt he's definitely able to work with,</p> <p>22 and he would definitely be able to grow and</p> <p>23 nurture and mentor into a fabulous sales manager.</p> <p>24 Q. Is this Jerry Cook?</p> <p>25 A. Yes, Jerry Cook.</p> <p style="text-align: right;">[Page 92]</p>
<p>1 he shouldn't distribute religious literature?</p> <p>2 MR. RITSON: Objection to form. You</p> <p>3 can answer.</p> <p>4 A. Just to be careful who his</p> <p>5 conversations were with.</p> <p>6 Q. And what did you mean by that?</p> <p>7 A. What I mean by that, I'm Christian.</p> <p>8 He can have a conversation with me and I'm not</p> <p>9 uncomfortable. He may have a conversation with</p> <p>10 someone else of another religious belief and not</p> <p>11 feel comfortable and he is the owner.</p> <p>12 Q. Did you make that remark to</p> <p>13 Mr. Crinion in response to any complaint?</p> <p>14 A. No.</p> <p>15 Q. Do you remember when that</p> <p>16 conversation with Mr. Crinion took place?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did -- withdraw.</p> <p>19 Are you aware of any complaints that</p> <p>20 were raised about Mr. Crinion's --</p> <p>21 A. No.</p> <p>22 MR. VALLAS: No further questions</p> <p>23 pending a follow up to Mr. Ritson's questions, if</p> <p>24 any.</p> <p>25 EXAMINATION</p> <p style="text-align: right;">[Page 91]</p>	<p>1 Q. Okay.</p> <p>2 With respect to Mr. Mansour and Sal</p> <p>3 Sciarrino, do you have any knowledge with respect</p> <p>4 to the relationship between them while both men</p> <p>5 were employed by Ashley?</p> <p>6 A. Oh, yeah. They were good friends.</p> <p>7 They were always bantering back and forth. They</p> <p>8 went out after work. They would go out to</p> <p>9 dinner. They were, they had a very good working</p> <p>10 and outside-of-work relationship.</p> <p>11 Q. Do you know where they would go</p> <p>12 after work?</p> <p>13 A. I know at times they had been to</p> <p>14 hookah lounges and they would have meals</p> <p>15 together. I mean, they were really close. They</p> <p>16 were very, very close.</p> <p>17 Q. Did you ever go with them?</p> <p>18 A. No.</p> <p>19 Q. Did they ask you to go with them?</p> <p>20 A. Yes.</p> <p>21 Q. Who asked you?</p> <p>22 A. Mr. Mansour and Sal.</p> <p>23 Q. Earlier there was some testimony</p> <p>24 regarding an individual named Raz.</p> <p>25 Do you recall his last name?</p> <p style="text-align: right;">[Page 93]</p>

[24] (Pages 90 to 93)

<p>1 A. No, I don't.</p> <p>2 Q. Do you know what Raz's religion was</p> <p>3 at the time of your employment at Ashley?</p> <p>4 A. Yes, he was Muslim.</p> <p>5 MR. RITSON: That's all I've got.</p> <p>6 EXAMINATION</p> <p>7 BY MR. VALLAS:</p> <p>8 Q. I do have just a very few follow-up</p> <p>9 questions to that.</p> <p>10 Miss Bautista, at any time during</p> <p>11 Mr. Moses' employment at Ashley --</p> <p>12 A. Yes.</p> <p>13 Q. -- not subsequently but during his</p> <p>14 employment, were you aware of his religious</p> <p>15 faith?</p> <p>16 A. No, I was not.</p> <p>17 Q. At any time during Mr. Mansour's</p> <p>18 employment with Ashley, were you aware of his</p> <p>19 religious faith?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know what it was?</p> <p>22 A. He was Muslim.</p> <p>23 Q. How did you know?</p> <p>24 A. He had told me.</p> <p>25 Q. Were you aware of where Mr. Mansour</p> <p style="text-align: right;">[Page 94]</p>	<p>1 his bag?</p> <p>2 A. Don't remember that.</p> <p>3 Q. Do you ever remember him commenting</p> <p>4 that they should place a metal detector at the</p> <p>5 door to check Mr. Mansour for bombs?</p> <p>6 A. I don't remember that.</p> <p>7 Q. Do you ever remember Mr. Sciarrino</p> <p>8 asking Mr. Mansour if he was upset because we</p> <p>9 captured Bin Ladin?</p> <p>10 A. That I don't remember.</p> <p>11 Q. Do you remember Mr. Sciarrino asking</p> <p>12 Mr. Mansour if he could give him a heads up when</p> <p>13 they were going to blow the tunnel so they would</p> <p>14 not drive through that day?</p> <p>15 A. I did not remember that.</p> <p>16 Q. Do you remember Mr. Sciarrino saying</p> <p>17 to Mr. Mansour that we destroyed Islam and</p> <p>18 Muslims?</p> <p>19 A. I do not remember that.</p> <p>20 Q. Did you consider -- strike that.</p> <p>21 How were you aware of the comments</p> <p>22 that you were aware of being made? Were they</p> <p>23 made in your presence?</p> <p>24 A. Not all the time. They would have</p> <p>25 their bantering once in a while, but a lot of</p> <p style="text-align: right;">[Page 96]</p>
<p>1 is from?</p> <p>2 A. I don't remember.</p> <p>3 Q. You mentioned a moment ago that</p> <p>4 Mr. Mansour and Mr. Sciarrino would banter.</p> <p>5 Do you remember if the content of</p> <p>6 that banter ever involved Mr. Mansour's religion?</p> <p>7 A. Yes.</p> <p>8 Q. And what sort of comments about Mr.</p> <p>9 Mansour's religion would be made?</p> <p>10 A. They would make references to each</p> <p>11 other. I believe at one time he called him a</p> <p>12 Guinea, I hate using these words, and he would</p> <p>13 calm him a Guinea and Sal would call him a</p> <p>14 terrorist. They would go back and forth.</p> <p>15 Q. Do you ever remember Mr. Mansour --</p> <p>16 strike that.</p> <p>17 Do you ever remember Mr. Sciarrino</p> <p>18 referring to Mr. Mansour as a Taliban?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know how many times?</p> <p>21 A. No.</p> <p>22 Q. Do you ever remember Mr. Sciarrino</p> <p>23 referencing -- strike that.</p> <p>24 Do you ever remember Mr. Sciarrino</p> <p>25 asking whether Mr. Mansour was carrying bombs in</p> <p style="text-align: right;">[Page 95]</p>	<p>1 their time was on the floor and I wasn't on the</p> <p>2 floor with them.</p> <p>3 Q. So when the statements were made</p> <p>4 outside of your presence, how did you become</p> <p>5 aware of them?</p> <p>6 A. Because they would tell me that they</p> <p>7 had that conversation. I called him this. I</p> <p>8 called him that. They would go back and forth.</p> <p>9 Q. Why would they, why would they tell</p> <p>10 you that they were having that conversation?</p> <p>11 A. Casual conversation. Not sure why.</p> <p>12 Q. As human resources representative,</p> <p>13 did you think that that sort of banter was</p> <p>14 appropriate?</p> <p>15 A. It was inappropriate when they were</p> <p>16 on the floor when they were in the presence of</p> <p>17 others, which was a separate conversation I had</p> <p>18 with both of them; that they needed to be very</p> <p>19 careful.</p> <p>20 I knew that they were friends. I</p> <p>21 knew that they went out and I didn't have a</p> <p>22 problem with that.</p> <p>23 It was nice to know that they were</p> <p>24 friends and they had a relationship outside of</p> <p>25 work, but they had to be careful while they were</p> <p style="text-align: right;">[Page 97]</p>

[25] (Pages 94 to 97)

<p>1 at work because they can offend someone.</p> <p>2 Q. Do you know when it was that you had</p> <p>3 that conversation?</p> <p>4 A. No.</p> <p>5 Q. At any time did Mr. Mansour ever</p> <p>6 express discomfort with some of the comments that</p> <p>7 were being made by Mr. Sciarrino?</p> <p>8 A. In bantering, in joking, yes, but</p> <p>9 Sal said the same thing.</p> <p>10 Q. When you say in joking, what do you</p> <p>11 mean?</p> <p>12 A. Sal would say to me, um, Mohammad</p> <p>13 said that I'm at fat Guinea and I'm going to eat</p> <p>14 everything out of the refrigerator, something</p> <p>15 sort of, and then they would go bantering back</p> <p>16 and forth.</p> <p>17 And he said he called me a terrorist</p> <p>18 and tell people to be careful with me. So they</p> <p>19 would go back and forth.</p> <p>20 Q. At any time did Mr. Mansour express</p> <p>21 to you an opinion that this banter had crossed</p> <p>22 the line?</p> <p>23 A. No.</p> <p>24 Q. When did this sort of banter begin?</p> <p>25 A. I couldn't remember. They got,</p> <p style="text-align: right;">[Page 98]</p>	<p>1 MR. RITSON: No further questions.</p> <p>2 MR. VALLAS: Nothing more from</p> <p>3 plaintiff. I'd like to thank you again for</p> <p>4 taking the time out of your evening, Miss</p> <p>5 Bautista.</p> <p>6 THE VIDEOGRAPHER: This will</p> <p>7 conclude Aazel Bautista's videotape deposition at</p> <p>8 8:08 p.m. Going off the video record.</p> <p>9 (Time noted: 8:08 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 <u>AAZEL BAUTISTA</u></p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Subscribed and sworn to before me this _____</p> <p>20 day of _____, 20 _____.</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 100]</p>
<p>1 became very close very quickly. They were both</p> <p>2 working there before I started with the company,</p> <p>3 well, working for the company. I'm not sure</p> <p>4 working for the same location.</p> <p>5 Q. Did you ever have conversations with</p> <p>6 anybody else other than Mr. Mansour and</p> <p>7 Mr. Sciarrino about these sorts of comments?</p> <p>8 A. Not directly, no.</p> <p>9 Q. Indirectly?</p> <p>10 A. No.</p> <p>11 MR. VALLAS: Nothing further. No</p> <p>12 further questions from plaintiff.</p> <p>13 EXAMINATION</p> <p>14 BY MR. RITSON:</p> <p>15 Q. Miss Bautista, do you know whether</p> <p>16 at the present time Mr. Mansour, Mr. Sciarrino</p> <p>17 still have that friendly relationship?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you ever hear Mr. Sciarrino use</p> <p>20 the word "Nigger"?</p> <p>21 A. Never.</p> <p>22 Q. Did anyone ever tell you that he had</p> <p>23 used that word?</p> <p>24 A. No one has ever come to me with</p> <p>25 that.</p> <p style="text-align: right;">[Page 99]</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3 I, MICHAEL WILLIAMS, a Registered</p> <p>4 Professional Reporter and Notary Public of the</p> <p>5 State of New Jersey, do hereby certify that prior</p> <p>6 to the commencement of the examination, the</p> <p>7 witness was duly sworn by me to testify to the</p> <p>8 truth, the whole truth and nothing but the truth.</p> <p>9 I DO FURTHER CERTIFY that the foregoing is</p> <p>10 a true and accurate transcript of the testimony</p> <p>11 as taken stenographically by and before me at the</p> <p>12 time, place and on the date hereinbefore set</p> <p>13 forth, to the best of my ability.</p> <p>14 I DO FURTHER CERTIFY that I am neither a</p> <p>15 relative nor employee nor attorney nor counsel of</p> <p>16 any of the parties to this action, and that I am</p> <p>17 neither a relative nor employee of such attorney</p> <p>18 or counsel, and that I am not financially</p> <p>19 interested in the action.</p> <p>20</p> <p>21 _____</p> <p>22 MICHAEL WILLIAMS, RPR</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 101]</p>

[26] (Pages 98 to 101)

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